

PROOF OF SERVICE

I declare that:

I am over the age of eighteen years and not a party to the within action; my business address is 200 McAllister Street, San Francisco, California, 94102.

On October 27, 2022, I electronically served a copy of the attached BRIEF FOR THE RESPONDENT on the following interested parties:

ANANYA SREEKANTH
COLT WATKISS
200 McAllister Street
San Francisco, CA 94102
Counsel for Petitioner

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed this 27 day of October 2022 at San Francisco, California.

s/ Eliza Clark

s/ Victoria Holmberg

Applicant Details

First Name	Carlos		
Middle Initial	A.		
Last Name	Larrauri		
Citizenship Status	U. S. Citizen		
Email Address	larrauri@umich.edu		
Address	<table> <tr> <th>Address</th> </tr> <tr> <td> Street 9818 SW 94th Terrace City Miami State/Territory Florida Zip 33176 </td> </tr> </table>	Address	Street 9818 SW 94th Terrace City Miami State/Territory Florida Zip 33176
Address			
Street 9818 SW 94th Terrace City Miami State/Territory Florida Zip 33176			
Contact Phone Number	(305) 510-9196		

Applicant Education

BA/BS From	New College of Florida
Date of BA/BS	May 2011
JD/LLB From	The University of Michigan Law School http://www.law.umich.edu/currentstudents/careerservices
Date of JD/LLB	May 3, 2024
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Michigan Law Review
Moot Court Experience	No

Bar Admission**Prior Judicial Experience**

Judicial Internships/ Externships	No
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Professional Organization

Organizations

Just the Beginning Organization

Recommenders

Mendlow, Gabriel
mendlow@umich.edu
734-764-9337

Price, Nicholson
wnp@umich.edu
734-763-8509

Stein, Michael
mastein@law.harvard.edu
617-495-1726

References

Mendlow, Gabriel
mendlow@umich.edu
734-764-9337
Stein, Michael
mastein@law.harvard.edu
617-495-1726

Chopp, Debra
dchopp@umich.edu
734-763-1948

Price, Nicholson
wnp@umich.edu
734-763-8509

This applicant has certified that all data entered in this profile and any application documents are true and correct.

July 14, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

I am a rising third-year law student at the University of Michigan Law School and a Zuckerman Fellow at Harvard's Center for Public Leadership, where I am pursuing a concurrent master in public administration at the Harvard Kennedy School of Government. I am writing to apply for a clerkship in your chambers for the 2024–2025 term. A clerkship in your chambers will offer me unparalleled preparation for a career in public service as a healthcare rights advocate.

Having practiced for five years as a dual board-certified family nurse practitioner and psychiatric mental health nurse practitioner, I have seen firsthand how the legal system can hinder or facilitate positive change, underscoring the vital importance of compassionate, thoughtful decision-making. Nonetheless, to develop greater literacy in the legal system and the tools needed for systemic advocacy, I decided to build upon my clinical training and pursue legal and policy education.

Furthermore, my work across academia and policymaking has allowed me to hone my written and oral advocacy, research diligence, and ability to collaborate with others. In addition to serving as a Senior Editor of the *Michigan Law Review*, I have assisted professors at both Harvard and Michigan with research leading to publishable scholarship, including a current chapter for an American Psychiatric Association clinical textbook, a publication in *World Psychiatry*, and other projects.

While my substantive focus has been on the intersection of mental health, law, and policy, I am ready to broaden my understanding of various legal areas, gain valuable insights into judicial decision-making, and hone my legal writing and argument construction skills. I believe your guidance and mentorship would be invaluable in my personal and professional growth as an attorney, and I would be eager to contribute and continue developing these skills and insights as a clerk in your chambers.

I have attached my resume, transcripts, and writing sample(s) for your review. Letters of recommendation from the following professors are also attached:

- Professor Michael Ashley Stein: mastein@law.harvard.edu, (617) 495-1726
- Professor William Nicholson Price II: wnp@umich.edu, (734) 763-8509
- Professor Debra Chopp: dchopp@umich.edu, (734) 763-1948
- Professor Gabriel Mendlow: mendlow@umich.edu, (734) 764-9337

Thank you for your time and consideration.

Respectfully,

Carlos A. Larrauri

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL	Ann Arbor, MI
HARVARD KENNEDY SCHOOL OF GOVERNMENT	Cambridge, MA
Concurrent Juris Doctor/Master in Public Administration	May 2024
Journal: <i>Michigan Law Review</i> , Senior Editor, Vol. 122	
Honors: Zuckerman Fellowship, Harvard's Center for Public Leadership (full tuition & stipend for one year)	
Dean's Scholarship, University of Michigan (\$60,000)	
Activities: Research Assistant for Prof. Gabriel Mendlow (researching coercion in mental healthcare)	
1L Representative for the Latinx Law Students Association	

UNIVERSITY OF MIAMI SCHOOL OF NURSING AND HEALTH STUDIES	Coral Gables, FL
Master of Science in Nursing	August 2017
Honors: Sigma Theta Tau International Honor Society of Nursing	
Award: The 2017 Community Engagement Award	

MIAMI DADE COLLEGE BENJAMÍN LEÓN SCHOOL OF NURSING	Miami, FL
Bachelor of Science in Nursing	July 2016
Honors: Benjamin Leon Scholarship (full tuition)	

NEW COLLEGE OF FLORIDA (THE HONORS COLLEGE)	Sarasota, FL
Bachelor of Arts in Humanities	April 2011
Honors: Florida Academic Scholars Award (full tuition)	

EXPERIENCE

SIDLEY AUSTIN, LLP	New York City, NY & Washington D.C.
<i>Summer Associate 2L Diversity & Inclusion Fellow</i>	May 2022 – July 2022; May 2023 – July 2023
<ul style="list-style-type: none"> Drafted an 18-page memo analyzing federal case law interpreting the statutory provisions and implementing regulations of FDA's three-year exclusivity for new clinical investigations. Conducted legal research on capital litigation, social security disability, and police misconduct matters. 	

THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, SCIENCE, AND THE ARTS	Ann Arbor, MI
<i>Graduate Student Instructor for the Global Scholars Program</i>	August 2022 – May 2023
<ul style="list-style-type: none"> Delivered a lecture to 70+ students on a "Rights-based Approach to Mental Health" in the Fall of 2022. Co-led check-ins with student leaders, provided guidance on facilitating student groups, and delivered feedback on essays and other written assignments. 	

THE UNIVERSITY OF MICHIGAN PEDIATRIC ADVOCACY CLINIC	Ann Arbor, MI
<i>Student Attorney 1L Goodwin Diversity Fellow</i>	May 2021 – August 2021
<ul style="list-style-type: none"> Worked on an interdisciplinary team with physicians as a medical-legal partnership to provide relief for legal issues linked to children's medical and social problems, including housing, education, and public benefits. Conducted legal research on family law, interviewed clients, and cross-examined a witness at trial. 	

UNIVERSITY OF MIAMI SCHOOL OF NURSING AND HEALTH STUDIES	Coral Gables, FL
<i>Lecturer, Psychiatric Nursing</i>	August 2018 – May 2020
<ul style="list-style-type: none"> Trained seven accelerated BSN students per semester on the fundamentals of psychiatric nursing in community mental health and inpatient psychiatric facilities. Graded and delivered feedback on essays and other written assignments. 	

CARLOS A. LARRAURI, LLC	Miami, FL
<i>Clinical Director & Advanced Practice Registered Nurse</i>	November 2017 – August 2023
<ul style="list-style-type: none"> Diagnosed, prescribed, and evaluated treatment response for fifteen to twenty-five patients per week in a community mental health center in Washington State (via telepsychiatry). 	

C. Larrauri

- Supervised staff and patient care at four community mental health centers in South Florida and ensured compliance with applicable laws, rules, and regulations.

IMIC MEDICAL RESEARCH CENTER

Sub-Investigator

Palmetto Bay, FL

April 2018 – August 2018

- Conducted clinical research for over twelve successful phase II, III, and IV drug trials.
- Ensured study compliance with regulations, guidelines, and standard operating procedures.

CORRECT CARE RECOVERY SOLUTIONS

Psychiatric Registered Nurse

Homestead, FL

November 2015 – April 2016

- Administered medications, evaluated psychiatric and medical progress, and recorded patient data for up to twenty-five patients daily at a maximum-security forensic psychiatric hospital.
- Directed support staff, including a team of three mental health technicians.

SELECTED SCHOLARSHIP

- Fusar-Poli, P., Sunkel, C., **Larrauri, C. A.**, Keri, P., McGorry, P. D., Thornicroft, G., & Patel, V. (2023). Violence and schizophrenia: the role of social determinants of health and the need for early intervention. *World psychiatry*, 22(2), 230–231. <https://doi.org/10.1002/wps.21074>.
- Brady, L. S., **Larrauri, C. A.**, & AMP SCZ Steering Committee (2023). Accelerating Medicines Partnership® Schizophrenia (AMP® SCZ): developing tools to enable early intervention in the psychosis high risk state. *World Psychiatry*, 22(1), 42–43. <https://doi.org/10.1002/wps.21038>.
- **C.A. Larrauri** & C. Garret. First-person accounts of advocacy work. In: Intervening Early in Psychosis – a team approach, edited by K.V. Hardy, J.S. Ballon, D.L. Noordsy, and S. Adelsheim. Washington DC: American Psychiatric Association Publishing, 2019.

SELECTED SERVICE AND LEADERSHIP

FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH

Bethesda, MD

Steering Committee Co-Chair for the Accelerated Medicines Partnership program in Schizophrenia

October 2020 – Present

- Co-leading a \$100 million public-private partnership to develop more effective medicines by defining and maintaining the research plan, reviewing the project's progress, and providing an assessment of milestones.

NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE

Washington D.C.

Planning Committee for Novel Molecular Targets for Mood Disorders and Psychosis

November 2020 – March 2021

- Planned a virtual workshop by developing the workshop's agenda, selecting, and inviting speakers and discussants, and assisting in moderating the discussions.

THE BROAD INSTITUTE OF MIT AND HARVARD

Cambridge, MA

Schizophrenia Spectrum Biomarkers Consortium Ethics Workgroup

November 2019 – Present

- Developing participant education materials and creating patient and family surveys to enhance patient engagement and outreach for the biomarkers study.

NATIONAL ALLIANCE ON MENTAL ILLNESS

Arlington, VA

Board of Directors, Former Secretary & Chair of Board Policy and Governance

July 2017 – June 2023

- Recorded and preserved minutes and reviewed agendas for executive committee meetings.
- Served on strategic planning, governance, and policy committees, and workgroup on diversity and inclusion.

ADDITIONAL

Languages: Spanish (professional working proficiency in reading, writing, and speaking)

Programming Skills: STATA (intermediate proficiency) and R (beginner proficiency)

Public Speaking: Harvard Law School, Harvard Business School, Stanford, UCSF, National Academies

Interests: Composing original music, traveling, cooking, genealogy, financial investing, and weightlifting

Control No: E196661401

Issue Date: 05/30/2023

Page 1

The University of Michigan Law School

Cumulative Grade Report and Academic Record

Name: Larrauri, Carlos Alberto

Student#: 86798752



Paul R. Larson
University Registrar

Subject	Course Number	Section Number	Course Title	Instructor	Load Hours	Graded Hours	Towards Program	Credit Grade
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Fall 2020 (August 31, 2020 To December 14, 2020)

LAW	510	001	Civil Procedure	Maureen Carroll	4.00	4.00	4.00	B+
LAW	520	005	Contracts	Albert Choi	4.00	4.00	4.00	B+
LAW	580	008	Torts	Kyle Logue	4.00	4.00	4.00	B+
LAW	593	001	Legal Practice Skills I	Margaret Hannon	2.00		2.00	S
LAW	598	001	Legal Pract: Writing & Analysis	Margaret Hannon	1.00		1.00	S

Term Total GPA: 3.300 15.00 12.00 15.00

Cumulative Total GPA: 3.300 12.00 15.00

Winter 2021 (January 19, 2021 To May 06, 2021)

LAW	530	001	Criminal Law	Gabe Mendlow	4.00	4.00	4.00	B+
LAW	540	003	Introduction to Constitutional Law	Richard Primus	4.00	4.00	4.00	B
LAW	594	001	Legal Practice Skills II	Margaret Hannon	2.00		2.00	S
LAW	673	001	Family Law	Maude Myers	3.00	3.00	3.00	B+
LAW	898	001	Law and Psychiatry Crossroads	Debra Pinals	2.00	2.00	2.00	A+

Term Total GPA: 3.361 15.00 13.00 15.00

Cumulative Total GPA: 3.332 25.00 30.00

Continued next page >

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Page 2

The University of Michigan Law School

Cumulative Grade Report and Academic Record

Name: Larrauri, Carlos Alberto
Student#: 86798752



Paul R. Larson
University Registrar

				Credit			
				Load	Graded	Towards	
Subject	Course Number	Section Number	Course Title	Instructor	Hours	Hours	Program Grade
Fall 2022 (August 29, 2022 To December 16, 2022)							
LAW	448	001	Business Planning	Stefan Tucker	2.00	2.00	2.00 A
LAW	781	001	FDA Law	Ralph Hall	3.00	3.00	3.00 A
LAW	839	001	Innovation in Life Sciences	Nicholson Price	2.00	2.00	2.00 A
LAW	900	377	Research	Nicholson Price	1.00	1.00	1.00 A
LAW	910	001	Child Advocacy Clinic	Joshua Kay	4.00	4.00	4.00 B+
LAW	911	001	Child Advocacy Clinic Seminar	Frank Vandervort	3.00	3.00	3.00 A-
Term Total				GPA: 3.753	15.00	15.00	15.00
Cumulative Total				GPA: 3.490	40.00	45.00	
Winter 2023 (January 11, 2023 To May 04, 2023)							
LAW	663	001	Legal Tech Literacy&Leadership	Dennis Kennedy	2.00	2.00	2.00 A
LAW	712	002	Negotiation	Barbara Kaye	2.00	2.00	2.00 A
LAW	727	001	Patent Law	Rebecca Eisenberg	4.00	4.00	4.00 B+
LAW	737	001	Higher Education Law	Jack Bernard	4.00	4.00	4.00 A-
LAW	877	001	Law in Slavery and Freedom	Rebecca Scott	2.00	2.00	2.00 B+
LAW	900	348	Research	Gabe Mendlow	2.00	2.00	2.00 A
Term Total				GPA: 3.662	16.00	16.00	16.00
Cumulative Total				GPA: 3.539	56.00	61.00	

End of Transcript
Total Number of Pages 2

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University of Michigan Law School Grading System

Honor Points or Definitions

Through Winter Term 1993	Beginning Summer Term 1993
A+ 4.5	A+ 4.3
A 4.0	A 4.0
B+ 3.5	A- 3.7
B 3.0	B+ 3.3
C+ 2.5	B 3.0
C 2.0	B- 2.7
D+ 1.5	C+ 2.3
D 1.0	C 2.0
E 0	C- 1.7
	D+ 1.3
	D 1.0
	E 0

Other Grades:

- F Fail.
- H Top 15% of students in the Legal Practice courses for students who matriculated from Spring/Summer 1996 through Fall 2003. Top 20% of students in the Legal Practice courses for students who matriculated in Spring/Summer 2004 and thereafter. For students who matriculated from Spring/Summer 2005 through Fall 2015, "H" is not an option for LAW 592 Legal Practice Skills.
- I Incomplete.
- P Pass when student has elected the limited grade option.*
- PS Pass.
- S Pass when course is required to be graded on a limited grade basis or, beginning Summer 1993, when a student chooses to take a non-law course on a limited grade basis.* For SJD students who matriculated in Fall 2016 and thereafter, "S" represents satisfactory progress in the SJD program. (Grades not assigned for LAW 970 SJD Research prior to Fall 2016.)
- T Mandatory pass when student is transferring to U of M Law School.
- W Withdrew from course.
- Y Final grade has not been assigned.
- * A student who earns a grade equivalent to C or better is given a P or S, except that in clinical courses beginning in the Fall Term 1993 a student must earn a grade equivalent to a C+ or better to be given the S.

MACL Program: HP (High Pass), PS (Pass), LP (Low Pass), F (Fail)

Non-Law Courses: Grades for these courses are not factored into the grade point average of law students. Most programs have customary grades such as A, A-, B+, etc. The School of Business Administration, however, uses the following guides: EX (Excellent), GD (Good), PS (Pass), LP (Low Pass) and F (Fail).

Third Party Recipients

As a third party recipient of this transcript, you, your agents or employees are obligated by the Family Rights and Privacy Act of 1974 not to release this information to any other third party without the written consent of the student named on this Cumulative Grade Report and Academic Record.

Official Copies

An official copy of a student's University of Michigan Law School Cumulative Grade Report and Academic Record is printed on a special security paper with a blue background and the seal of the University of Michigan. A raised seal is not required. A black and white is not an original. Any alteration or modification of this record or any copy thereof may constitute a felony and/or lead to student disciplinary sanctions.

The work reported on the reverse side of this transcript reflects work undertaken for credit as a University of Michigan law student. If the student attended other schools or colleges at the University of Michigan, a separate transcript may be requested from the University of Michigan, Office of the Registrar, Ann Arbor, Michigan 48109-1382.

Any questions concerning this transcript should be addressed to:

Office of Student Records
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109-1215
(734) 763-6499



New College

THE HONORS COLLEGE of Florida

Office of the Registrar
5800 Bay Shore Road, PMD-115
Sarasota, FL 34243-2109
Phone: (941) 487-4230 • Fax: (941) 487-4478

OFFICIAL TRANSCRIPT

Carlos Alberto Larrauri (N10212119) SSN: XXX-XX-XXXX

DOB: DEC 17 Residency: In-State

Degree Awarded: Bachelor of Arts Award Date: 25-MAY-12 Area of Concentration: Humanities

Previous Colleges

Miami-Dade CC	Miami, FL	25-AUG-04 - 22-DEC-07	Associate of Arts
Ohio State U	Columbus, OH	01-SEP-06 - 01-JUN-07	Less than Associate Degree

Work Satisfactorily Completed

Transcript Key: *Meets Liberal Arts Requirement | CHE Credit Hour Equivalency | ISP Independent Study Project | R/P Independent Reading Project

Transfer Credit

Contract 1 - Transfer Credit
Contract 2 - Transfer Credit
ISP 1 - Transfer Credit
Other (incl. 2 units for AA degree)

CHE Units

16 4
16 4
4 1
24 6

Spring 2011

Tutorial: Thesis

CHE Units

4 1

Fall 2010

Philosophy of Religion
The Anthropology of Performance
Tutorial: Thesis
Independent Study Project: Wakeland Elementary

CHE Units

4 1
4 1
4 1
4 1

Spring 2010

Indian Buddhist Thought
Myth and Ritual: Anthropological Approaches to the Study of Religion
Religion and Sexuality

CHE Units

4 1
4 1
4 1

Fall 2009

Introduction to the Study of Religion*
Orientalism*
Psychology of Religion
Introduction to Ethical Theory*

CHE Units

4 1
4 1
2 .5
4 1

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Explanatory legend and authenticity confirmation information on reverse.

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New College of Florida

THE HONORS COLLEGE

Office of the Registrar
5800 Bay Shore Road, PMD-115
Sarasota, FL 34243-2109
Phone: (941) 487-4230 • Fax: (941) 487-4478

OFFICIAL TRANSCRIPT

Spring 2009

Tutorial: Biointensive Agriculture: Theories and Methods

CHE	Units
4	1

Fall 2008

Metaphysics Survey*

Religions of South Asia*

Reading Poetry*

Independent Study Project: Fundamentals of Sail Boat Reconstruction, Maintenance and Navigation

CHE	Units
4	1
4	1
4	1
4	1

Spring 2008

Ritual Theory*

History of the Novel in English 1720-1930*

Writing America(n)*

CHE	Units
4	1
4	1
4	1

Senior Thesis or Project Title & Baccalaureate Exam Date (oral defense of senior thesis or project)

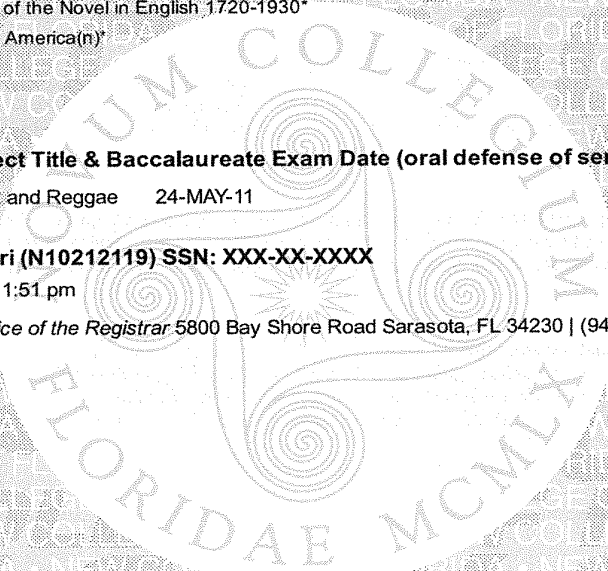
The Rastafari Movement and Reggae 24-MAY-11

Carlos Alberto Larrauri (N10212119) SSN: XXX-XX-XXXX

Produced: 03/20/2017 01:11:51 pm

New College of Florida Office of the Registrar 5800 Bay Shore Road Sarasota, FL 34230 | (941) 487-4230 | records@ncf.edu

***** End of Transcript *****



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THE NAME OF THE COLLEGE APPEARS IN WHITE ACROSS THE FACE OF THIS RECORD



HARVARD Kennedy School

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Office of the Registrar
79 John F. Kennedy Street
Cambridge, Massachusetts 02138

Name: **Carlos Larrauri**
ID: **21405191**

Program: **Master in Public Administration**

Dual Program: **University of Michigan Law School**

2021 Fall

School	Course	Course Name	Earned Credit	Grade
	DPI 122	Politics and American Public Policy	4.00	A
GSE	EDU S040	Introductory and Intermediate Statistics for Educational Research: Applied Linear Regression	4.00	A
PBH	GHP 204	Foundations of Global Mental Health	2.00	A
	MLD 401M	Financial Analysis of Public and Nonprofit Organizations	2.00	B+
	MLD 411M	Introduction to Budgeting and Financial Management	2.00	B+
	MLD 802M	Nonprofit Management and Leadership	2.00	A-

2022 Spring

School	Course	Course Name	Earned Credit	Grade
	DPI 321	Modern American Political Campaigns	4.00	A
	DPI 515	Disability Law and Policy	4.00	A
GSE	EDU S052	Intermediate and Advanced Statistical Methods for Applied Educational Research	4.00	A
PBH	GHP 208	Global Mental Health Delivery: From Research to Practice	2.00	A
	SUP 500	U.S. Health Care Policy	4.00	A

END OF TRANSCRIPT

- See reverse for explanation of grades, credits, and abbreviations.
- Information on this transcript must be kept confidential and may not be disclosed to other parties without written consent of the student or legal representative (1974 Family Educational Rights and Privacy Act).
- For purposes of certification, a reproduced copy of the original academic record shall not be valid without the official embossed seal of Harvard Kennedy School and signature of the Registrar.

Laura Recklet, Registrar

HARVARD UNIVERSITY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT
Office of the Registrar
79 John F. Kennedy Street
Cambridge, Massachusetts 02138
Tel. (617) 495-1155 Fax (617) 496-1165

Degrees Offered

Dr P.A. (Doctorate in Public Administration)
MCRP (Master in City and Regional Planning) prior to June 1993
MPA (Master in Public Administration)
MPA/ID (Master in Public Administration in International Development)
MPP (Master in Public Policy)
MPP/UP (Master in Public Policy and Urban Planning)

Cross-Registration

In addition to enrolling in courses at Harvard's Kennedy School of Government (HKS), students are permitted to enroll in courses for degree credit by petition to the following institutions:

Harvard University:

- Business School – HB (HBS*)
- Dental Medicine – HN (HDS*)
- Divinity School – HV (DIV*)
- Faculty of Arts and Science – HF (FAS*)
- Graduate School of Education – GSE
- Graduate School of Design – HD (GSD*)
- Law School – HL (HLS*)
- Medical School – HM (HMS*)
- School of Public Health – HP (SPH*)

Tufts University:

- Fletcher School of Law and Diplomacy – FL (FLT*): designated as (TUF) prior to June 1986

Massachusetts Institute of Technology – MI (MIT*)

*Designates code used prior to 2003

Semester Hours/Credit

Courses taken prior to the 1994/95 academic year reflect the following credit system:

Prior to the 1994/95 academic year, semester long courses equal 'H' credit, half-semester courses designated with an 'M' equal module credit (1/2 'H' credit), and year long courses designated with a 'Y' are worth 'H' credit. Year long courses without a 'Y' designation are 'F' courses, equivalent in credit to 2 'H' courses. A normal full-time course load consists of eight 'H' courses a year.

Courses taken beginning in the 1994/95 through 2015/16 academic years reflect the following credit system:

Beginning in the 1994/95 academic year, semester long courses equal 1 credit, half-semester courses designated with an 'M' equal 1/2 credit, and year long courses designated with a 'Y' are worth 1 credit. A normal full-time course load consists of eight credits per academic year.

Courses taken in the 2016/17 academic year and thereafter reflect the following credit system:

Beginning in the 2016/17 academic year, individual course credits range between 1.5 and 6 per semester. Normally, semester long courses equal 4 credits, half-semester courses designated with an 'M' equal 2 credits, and year long courses designated with a 'Y' are worth 4 credits. A normal full-time course load consists of 24 credits per academic year. Previous years' credits for course enrollments were converted into the current system for students graduating during the 2016/17 academic year and thereafter.

Joint and Concurrent Degrees

The Kennedy School of Government, in cooperation with Harvard's Schools of Law, Business, and Medicine and selected other universities, offers several concurrent degrees. Students must be admitted independently to both schools. Kennedy School requirements for graduation are reduced by 16-24 (4-6 prior to AY 2016/17) credits depending on the HKS program. The degree is awarded only upon completion of the requirements for both degrees. Transcripts reflecting confirmation of the other degree should be obtained from the appropriate school's Registrar.

Transcript questions should be referred to the Registrar.

Other Transcript Notations

MAC: Methodological Area of Concentration

Explanation of Grades

Beginning June 1986	
Pass	Fail
A, A-, B+, B, B-, C+, C, C-, D, P, SAT	E, F, UNS, UNSAT
Prior to June 1986	
Pass	Fail
A, A-, B+, B, SAT	C+, C, C-, E, UNS

Satisfactory Work Beginning June 1986

Grades of C+ or below are generally considered unsatisfactory but are not failing grades. They may be offset by grades of A- or A except for MPP and MPA/ID core courses and MPA distribution courses (effective September 1, 1998), where the lowest passing grade is a B-. An overall average of a B is required for graduation.

Satisfactory Work Prior to June 1986

The minimum standard for satisfactory work in the Kennedy School is a B average in each academic year. An HKS grade of C+ or below is a failing grade and is not included as credit towards a degree (effective September 1, 1978). Standards set by other schools in which a student is cross-registered are observed when determining whether a grade from that school is considered passing or failing.

Courses taken at another school for credit toward Kennedy School degrees are graded according to that school's grading system; grades are not converted. The following grades are not acceptable for credit:

IV, 4, ABS, AWD, DRP, E, F, INC, IP, NCR, NG, PI, T, U, UNS, UNSAT, W, WD.

Definitions of Non-Traditional Grades:

ABS	Absent from the final examination	LP	Low Pass
AWD	Administrative withdrawal	MP	Marginal Pass
DIS/DST	Distinction	NCR	No Credit
DRP	Indicates a withdrawal from a course during drop period	NG	No Grade
EXL	Excellent	P	Pass
EXM	Exempt- excused from a normally required course; not a grade	PI	Permanent incomplete- work not submitted by completion deadline for Incomplete (INC)
E	Fail	PRF	Proficient
HH	High Honors	SAT	Satisfactory
HP	High Pass	WD	Withdrew from course after drop deadline
INC	Incomplete- required course work not completed	UNS	Unsatisfactory
IP	In Progress		

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UNIVERSITY OF MICHIGAN LAW SCHOOL
625 South State Street
Ann Arbor, Michigan 48109-1215

Gabriel S. Mendlow
Professor of Law and Professor of Philosophy

July 14, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

I am delighted to recommend Carlos Larrauri for a clerkship. After a strong performance in my 1L Criminal Law class at Michigan, Carlos took on two credits of independent research assisting me with a book project on criminal law and freedom of thought. He quickly established himself as one of the finest research assistants I have ever employed. Given the exceptional quality of his work product and his high degree of professionalism, I am confident that Carlos would make a wonderful law clerk. If I were a judge, I would hire him without hesitation.

An accomplished mental health practitioner pursuing both a J.D. at Michigan and a Master of Public Administration at Harvard, Carlos possesses knowledge and experience that are very rare for a law student. Carlos is a psychiatric registered nurse who has worked not only as a front-line clinician treating the most challenging patient populations, but also as a clinic director, a pharmaceutical researcher, a clinical instructor, a lecturer, and a published author. Building on this formidable foundation, Carlos has used his time at Michigan and Harvard to develop expertise in mental health law and policy. While I have found that law students with advanced training in another field and significant prior work experience sometimes have trouble learning how to think, write, and reason like a lawyer, Carlos has distinguished himself as a legal researcher and writer, having served as a Senior Editor of the Michigan Law Review. He is, in short, a talented lawyer-to-be—not to mention a conscientious, hardworking, and humble co-worker.

Capable of conducting expert-level research at the intersection of three fields—health law, health policy, and psychiatry—Carlos was uniquely qualified to provide the assistance I needed for a research project on the legal and ethical implications of coercion and forced treatment in mental healthcare. He wrote several outstanding memoranda integrating disparate topics that very few people could have handled as expertly as he did—from analytical summaries of the case law governing restoration of trial competency to lucid synopses of research on the phenomenology and subjective experiences of patients who had been subjected to forced psychotropic medication. Each of Carlos' first drafts was as well-written, impeccably-sourced, and tightly organized as material for which I would gladly award a grade of A.

Most impressive about Carlos is the depth of his commitment to reforming the law, policy, and practice of mental health. As a practitioner, Carlos has worked to provide compassionate and culturally competent care to patients with mental health conditions. As a policy advocate, he has argued for policies that promote mental health parity and expand access to much needed services. As a budding lawyer, he is committed to a career in healthcare advocacy. I am genuinely excited to see what he accomplishes in the years ahead.

As you can see, I think very highly of Carlos. It is difficult for me to describe Carlos' professionalism and maturity without sounding hyperbolic. He would be a dream to have in chambers.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Gabriel S. Mendlow

Gabriel Mendlow - mendlow@umich.edu - 734-764-9337

UNIVERSITY OF MICHIGAN LAW SCHOOL
625 South State Street
Ann Arbor, Michigan 48109-1215

W. Nicholson Price II
Professor of Law

July 14, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

I write to enthusiastically recommend Carlos Larrauri for a clerkship in your chambers. Carlos is a bright, tremendously motivated, energetic student who will be an asset to chambers.

Carlos was a student in my Innovation in the Life Sciences seminar in Fall 2022. The seminar asks students to master a complex body of literature about the different bodies of law influencing biomedical innovation, from patent law to FDA law to insurance reimbursement policy. It's complicated, and I demand a lot of the students: mastering hard readings, self-directed class contribution, and high-quality writing. Carlos was a frequent class contributor; his comments were smart, incisive, and interesting. And when he was wrong, he was good about recognizing it. All of this bodes well for his possibilities as a clerk.

I want to single out Carlos' term paper. I give my seminar students the option to write a term paper or several shorter responses; Carlos chose the paper. He was sharp in coming up with early, interesting possibilities, discussed them with me thoughtfully, and leapt into the topic he chose: inadequate incentives and development challenges for drugs to treat serious mental illness. His first draft was well written, well formatted, and well sourced—and well short of the mark in terms of making a convincing argument. I gave him tough criticism, suggesting major structural changes, big cuts, and new emphases. I didn't give him the answers, but I pointed out big problems. And I was truly, delightfully surprised by how well he responded to my critiques. His revised draft was terrific; much, much better, convincing, polished, and interesting. I recommended that he try to publish it (and indeed, I know he has been publishing elsewhere as well). Carlos' willingness to work hard to improve a paper that was polished but flawed is a real strength, and one that I think is an excellent one in a clerk. Clerking involves a steep learning curve, and I think Carlos will charge up that learning curve at full speed.

I'd be remiss if I didn't mention a bit about Carlos' path. He's a first-gen student, and he's absolutely passionate about healthcare advocacy. I think he's going to be an excellent, driven lawyer, and that clerking will be an important step in his professional development.

Finally, personally Carlos has been great to work with. He's unfailingly polite and professional; comes into meetings ready to go and move tasks forward; writes careful, succinct, emails; and is generally very efficient while still being warm and engaged. It makes things very easy.

It should be clear that I think highly of Carlos. He's smart, hard-working, and very focused. I suspect he will make a very good clerk, and I hope you take the time to meet him and see for yourself.

Thank you for taking the time to read this letter; if you have any other questions, or if there's anything else I can usefully say, please don't hesitate to contact me at 301-467-0643 or wnp@umich.edu.

Sincerely yours,

W. Nicholson Price II
Professor of Law
University of Michigan Law School



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

PROFESSOR MICHAEL STEIN

*Executive Director,
Harvard Law School Project on Disability*

*Austin Hall 305
1515 Massachusetts Avenue
617-495-1726; mastein@law.harvard.edu*

March 30, 2023

Dear Judge:

I am co-founder and Executive Director of the Harvard Law School Project on Disability and a Visiting Professor at Harvard Law School since 2005, and have known Carlos Larrauri since he began his master's in public administration in the fall of 2021 at the Harvard Kennedy School, where he received a Zuckerman Fellowship from Harvard's Center for Public Leadership in recognition of his demonstrated service and leadership potential. Carlos was in my HKS Disability Law and Policy class, where he was among the brightest and most passionate students. Even among the highly ambitious and dynamic group that HKS attracts, Carlos is a stand-out, both academically and as a leader. In the semesters since, Carlos and I have worked closely on several academic projects.

I have been particularly struck by Carlos's exceptional ability to meld practical experience with legal and policy analysis and to understand and anticipate the practical implications of law and policy decision making. He possesses a rare combination of incisive thought leadership, multidisciplinary training, and strong written and oral advocacy.

We recently published both a short book review and an article entitled *HIPAA vs. Ethical Care: Accounting for Privacy with Neuropsychiatric Impairments* that was featured on the cover issue of PSYCHIATRIC TIMES. Carlos's research and writing are notable for their high level of reasoning and care. He articulates legal arguments with clarity and force, skillfully balancing careful research, rigorous analysis, and persuasive writing. Additionally, Carlos consistently demonstrates professionalism and maturity in working with colleagues. His dedication to the study of law, strong work ethic, and congeniality makes him an excellent candidate for a clerkship. I believe he will reflect well upon your chambers now and in the future.

Please do not hesitate to contact me should you have any questions about Carlos.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Stein', with a long horizontal flourish extending to the right.

Michael Stein

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

Writing Sample #1

I wrote this memo for my first-semester legal research and writing class. The hypothetical case involved the fictional Reasonable Accommodations Action Network (RAAN) suing Southern Michigan University (SMU) for violating the Michigan Freedom of Information Act (MFOIA). SMU denied an MFOIA request for student data (SMUID numbers) based on the “personal privacy” exemption of MFOIA. As such, I analyzed whether SMU could meet both elements of the “personal privacy” exemption under MFOIA. This memorandum is my work product and has not been edited by other persons.

Carlos A. Larrauri
Writing Sample #1

BRIEF ANSWER

The issue is whether the Michigan Freedom of Information Act's personal privacy exemption protects the SMUID numbers. They are likely not protected. Two elements are necessary to exempt information from public disclosure. First, the information must consist of a "personal nature," and second, disclosing such information must constitute a "clearly unwarranted" invasion of privacy. A court may find that the information does not constitute a clearly unwarranted invasion of privacy because the disclosure would shed light on whether SMU is performing its statutory duty by treating students with reasonable accommodations requests fairly.

STATEMENT OF FACTS

The Reasonable Accommodation Advocacy Network is a disability rights watchdog group. It has filed an MFOIA request with Southern Michigan University to determine if the university was withholding information regarding students' requests for reasonable accommodations.

Previously, SMU had announced the creation of the REACT study to audit SMU's resources for students who request reasonable accommodations under the Americans with Disabilities Act. SMU hired Professor Theo Dun to determine how many SMU students had requested reasonable accommodations in the last three years and how many requests had been accepted or denied. Professor Dunn found that SMU approved only approximately 16% of SMU students who requested reasonable accommodations under the ADA in the last three years.

Professor Dunn subsequently distributed a spreadsheet to the SMU administration and the Board that included a list of the students used in the study to explain how he reached his results. The spreadsheet did not list the students' names, information regarding the students' accommodation requests, the medical information submitted with the requests, or whether the accommodation requests were granted or denied. After Professor Dunn presented his results, SMU President Julie Parker sent an email to the SMU administration and the Board instructing them not

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to discuss the results and to blame the budget for the delay in reporting them. When asked on air about the results of the REACT study, President Parker said, “The REACT study is currently on hold as we are determining the budget for next year. I can’t give any more information about it at this time.”

Shortly after, RAAN received an anonymous tip that SMU’s REACT study results were being kept from the public because the results were not favorable for SMU. At this point, RAAN filed its MFOIA request asking for SMU to disclose Professor Dunn’s findings, including the spreadsheet he presented to the administration and the Board. Southern Michigan University promptly responded to RAAN’s MFOIA request. It declined to disclose the spreadsheet to RAAN, asserting that disclosing Professor Dunn’s materials would reveal personal information about SMU students because there were various ways for tracing back SMUID numbers to the students’ identities. For example, the student information can be traced back to students’ names and email addresses through the SMU online directory. The SMU online directory is accessible to the public through the SMU library portal.

Instead, SMU proposed disclosing the spreadsheet to RAAN with all the SMUID numbers redacted; however, RAAN refused, explaining that some professors had committed recent fraud on similar studies. Further, RAAN explained to SMU that they required the SMUID numbers list to verify that each student used in the study was a real student who attended SMU. They explained that it did not intend to link the SMUID numbers with student identities, but instead, it would be analyzing the SMUID numbers themselves to check for numerical consistency and statistical regularity. Southern Michigan University again refused to disclose the unredacted spreadsheet, citing the personal privacy exemption of MFOIA, and stated that it was its final determination to deny the MFOIA request.

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Writing Sample #1

DISCUSSION

The issue is whether SMU can withhold the requested SMUID numbers under the privacy exemption of the MFOIA. According to the Michigan statute:

It is the public policy of this state that all persons . . . are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

Mich. Comp. Laws § 15.231 (2018). The MFOIA is a pro-disclosure statute that a public body should interpret broadly to allow public access. *Id.* A public body may be exempt from disclosure of a public record, but it should interpret MFOIA exemptions narrowly to prevent undermining its disclosure provision. *Booth Newspapers, Inc. v. Univ. of Mich. Bd. of Regents*, 507 N.W.2d 422, 431 (1993). Furthermore, the burden of proving the need for the exemption applies to the public body. *Id.*

A public body may exempt from disclosure “[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.” Mich. Comp. Laws § 15.243. A plain meaning analysis establishes that two elements are necessary to exempt information from public disclosure. *Booth*, 507 N.W.2d at 431. First, the information must consist of a “personal nature,” and second, disclosing such information must constitute a “clearly unwarranted” invasion of privacy. *Id.*

This memo will analyze the privacy exemption’s applicability. It will not scrutinize whether the student information constitutes a public record or if SMU constitutes a “public body.” Additionally, it will not examine any other exemption that SMU may invoke to withhold the student information. Southern Michigan University may be unable to protect the information from RAAN. The student information consists of a personal nature because it can be linked to individuals and associated with their request for reasonable accommodations. However, disclosing it does not constitute a clearly unwarranted invasion of privacy because it would provide the public insight into SMU’s performance of its statutory duty to treat students with accommodations requests fairly.

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Writing Sample #1

I. Personal Nature.

The SMUID numbers consists of a personal nature because RAAN can connect the information to individuals. When determining whether the information is of a personal nature, it is necessary to decide whether it is embarrassing, intimate, private, or confidential. *Mich. Fed'n of Tchr. & Sch. Related Pers. v. Univ. of Mich.*, 753 N.W.2d 28, 40 (2008). Furthermore, in determining whether the information is embarrassing, intimate, private, or confidential, it is necessary to consider the community's customs, mores, and ordinary views. *Booth*, 507 N.W.2d at 432. Lastly, the information must be associated with an individual to be embarrassing, intimate, private, or confidential. *Id.*

For example, in *Larry S. Baker*, the court found that the addresses of injured persons, or persons who had been potentially injured or killed in automobile accidents, were of a personal nature because the law firm seeking the records could identify the victims from the addresses. *Larry S. Baker, P.C. v. City of Westland*, 627 N.W.2d 27, 30 (2001). A law firm sued a city after it denied a Freedom of Information Act request for addresses of injured persons and persons potentially injured or killed in automobile accidents. *Id.* at 28. The firm then revised its request, asking for only the addresses of persons and arguing that since the city would redact the names, there would be insufficient identifying characteristics. *Id.* at 30. The court did not find this argument compelling. It reasoned that having been involved in an automobile accident is an embarrassing fact and that an address is a sufficiently identifying characteristic associated with an individual. *Id.*

Second, in addition to being connected to an individual, the information would be embarrassing, intimate, private, or confidential if the information is the kind that someone would choose not to disclose. *ESPN, Inc. v. Mich. State Univ.*, 876 N.W.2d 593, 597 (2015).

For example, in *Mager*, the court focused on whether associating the names with gun ownership is potentially embarrassing, intimate, private, or confidential if disclosed. *Mager v. Dep't of State Police*, 595 N.W.2d 142, 147 (1999). An advocate requested the university police provide him

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Writing Sample #1

with a list of names and addresses of persons who owned registered handguns. *Id.* at 143. However, the court held that those names were associated with gun ownership, an intimate and potentially embarrassing detail of one's life. *Id.* at 144. As such, the list constituted information of a personal nature since a citizen's decision to purchase and maintain firearms is a personal choice, and disclosing is typically a private decision. *Id.* at 143.

In our case, student information consists of a personal nature because it can be coupled with individuals and reveal potentially embarrassing, intimate, private, or confidential information that someone would typically choose to disclose. Here, the SMUID numbers can be associated with specific individuals through their names and email addresses. As such, the facts in our case are similar to *Larry S. Baker*, where the court determined an address was sufficient information for associating with a particular person. The student information can be easily traced back to students' names and email addresses through the public SMU online directory, and thus, it can be readily associated with individuals.

Furthermore, RAAN can use the individuals' names and email addresses to identify which individuals have requested reasonable accommodations from SMU. Accordingly, RAAN's case is akin to *Mager*, where the individuals' names could be easily associated with potentially embarrassing, intimate, private, or confidential information, such as gun ownership. Here, the student information can be linked to students who have requested accommodations under the ADA within the past three years. Although the request would not contain any information about the basis of the request or the type of accommodation requested, a general inquiry into a history of seeking accommodations can still be considered information potentially embarrassing, intimate, private, or confidential. Further, disclosing accommodations requests is often a private decision, and as such, the student information consists of a personal nature.

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Furthermore, the counter-argument that disclosing the student information to the university constitutes a public disclosure on behalf of the students is unlikely to persuade the court. Even if the information has been disclosed or is otherwise public, it does not mean the students consent to its disclosure in the context of RAAN's request. *Mich. Fed'n of Tchrs.*, 753 N.W.2d 28, 40 (“[D]isclosure of information of a personal nature into the public sphere in certain instances does not automatically remove the protection of the privacy exemption and subject the information to disclosure in every other circumstance.”).

In sum, the student information consists of a personal nature because it can be connected to individuals and associated with potentially embarrassing, intimate, private, or confidential information that someone would typically decide whether to disclose.

II. Clearly Unwarranted.

Nevertheless, disclosing such information does not constitute a clearly unwarranted invasion of privacy because the disclosure would provide the public insight into whether SMU treats students with reasonable accommodations requests fairly. When determining whether disclosure of information constitutes a clearly unwarranted invasion of privacy, courts need to balance the public interest in disclosure against personal privacy protection. *Mager*, 595 N.W.2d at 146. The public interest in disclosure is satisfied when the disclosure would serve FOIA's core purpose — contributing significantly to an understanding of the government's operations or activities. *Id.* In all but a limited number of circumstances, public interest in government accountability must prevail over individuals' or groups' privacy expectations. *Prac. Pol. Consulting v. Sec'y of State*, 789 N.W.2d 178, 193 (2010). Thus, if the information provides the public insight into the agency's statutory duty, it will constitute a warranted invasion of privacy, even if it is personal information. *Id.*

For example, in *ESPN*, the court determined that disclosing the records of incident reports involving student-athletes did not constitute a clearly unwarranted invasion of privacy because the

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report served the public understanding of the university's police department's operations. *Id.* at 597.

A sports television network sought the information to learn whether the policing standards were consistent and uniform at the university. *Id.* Disclosure of the students' names was necessary to determine whether student-athletes were treated differently from the general population because they participated in a particular sport or their renown. *Id.* Thus, the disclosure of names was necessary to shed light on the agency's statutory duty, even if the suspects' names in the reports amounted to information of a personal nature. *Id.*

In RAAN's case, disclosing such information does not constitute a clearly unwarranted invasion of privacy because it would further the public's understanding of SMU's treatment of students requesting reasonable accommodations. Correspondingly, RAAN's case is like *ESPN*, where disclosing student-athlete names helped the public understand if the students received differential treatment from the university's police department. Here, shedding light on how SMU operates would outweigh the students' privacy interests because it would provide the public insight into SMU's statutory duty to treat students fairly. Disclosing the student information associated with the SMUIDs would shed light on SMU's treatment of students seeking reasonable accommodations and whether SMU is approving their accommodations at a reasonable rate. Southern Michigan University approved only 16% of SMU students who requested reasonable accommodations under the ADA in the last three years. Furthermore, against the backdrop of universities' previous fraudulent activities with similar studies and lack of transparency, RAAN's request could conceivably lead to an informative inquiry and greater public accountability concerning how SMU treats students with reasonable accommodations requests.

In sum, the disclosure of student names does not constitute a clearly unwarranted invasion of privacy because the disclosure would provide the public insight into SMU's performance of its statutory duty regarding its treatment of students with reasonable accommodations requests.

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Writing Sample #1

CONCLUSION

It is unlikely that Southern Michigan University can withhold the information from RAAN. Although the information constitutes information of a personal nature, the disclosure of the information does not constitute a clearly unwarranted invasion of privacy.

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

Writing Sample #2

I wrote this “mini-note” for the *Michigan Law Review* write-on competition. The MLR members asked students to answer whether the Supreme Court should extend the constitutional right to appointed counsel to the civil context. Further, they asked us to explore the legal and practical arguments for and against extending this right, including an analysis of the implications of our view and responses to counterarguments. This note is my work product and has not been edited by other persons.

Carlos A. Larrauri
Writing Sample #2

WITH LIBERTY AND JUSTICE FOR ALL?
EXPLORING THE CIVIL RIGHT TO COUNSEL

INTRODUCTION

The term “Civil *Gideon*” represents the proposed constitutional guarantee of counsel in civil cases that implicate fundamental rights.¹ Proponents of “Civil *Gideon*” argue that indigent litigants need legal protection beyond the current limitation to criminal cases involving incarceration.² They call for expanding the right to counsel in civil cases when basic human needs such as shelter, sustenance, safety, health, or child custody are at stake.³ Utilitarian arguments in favor of “Civil *Gideon*” assert that expanding the right to counsel would improve the equity of judicial outcomes, increase the efficiency of courts, save federal and state government funds, and increase the public’s faith and investment in the judicial process.⁴

To detractors of the “Civil *Gideon*” movement, the concept is considered conservative and backward-looking.⁵ They disagree that appointing free counsel is the solution to the hurdles indigent litigants face in court; rather, they argue for procedural changes.⁶ Critics argue there is no constitutional basis for the right to civil counsel.⁷ They further contend that the costs and administrative challenges would prove counterproductive and fail to make the legal system more

¹ *Touzeau v. Deffinbaugh*, 907 A.2d 807, 827 (Md. 2006).

² *See id.*

³ *See, e.g.,* Benjamin H. Barton, *Against Civil Gideon (and for Pro Se Court Reform)*, 62 FL. L. REV. 1227, 1229 (2010) (referencing the 2006 ABA House of Delegates report calling for a national civil *Gideon*); *see also* Nik DeCosta-Klipa, *Joe Kennedy on the Need For a ‘Civil Gideon’ and the ‘Disappointing’ Response He Received on Twitter*, BOSTON.COM (May 15, 2020), <https://www.boston.com/news/politics/2020/05/15/joe-kennedy-civil-gideon>. (referring to Kennedy’s resolution calling for expanding the right to counsel in civil cases involving basic human needs).

⁴ *See* Tonya L. Brito et al., *What We Know and Need to Know About Civil Gideon*, 67 S.C. L. REV. 223, 225 (2016).

⁵ Barton, *supra* note 3, at 1272.

⁶ *See Id.*

⁷ TED FRANK, AM. ENTER. INST., *THE TROUBLE WITH THE CIVIL GIDEON MOVEMENT* 1 (2008).

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accessible or help low-income Americans.⁸ Instead, some advocate that pro se court reform is the preferred means for improving low-income litigants' access to justice.⁹

This Note contends that courts should extend the constitutional right to appointed counsel to indigent individuals in civil cases that implicate basic human needs. Part I tracks the evolution of the right to counsel and explains the current consequences of limiting the right to criminal cases. Part II argues that courts can incorporate the civil right to counsel as either an established right via old English law or a novel interpretation of due process or equal protection concepts. Part III addresses policy concerns, such as costs and administration, and contends that the benefits of extending the right outweigh the costs.

I. UNDERSTANDING THE HISTORY AND NECESSITY OF THE CIVIL RIGHT TO COUNSEL

In *Gideon v. Wainwright*, the Supreme Court found that the Fourteenth Amendment's Due Process Clause required that states provide counsel to indigent defendants in all felony cases.¹⁰ However, the Supreme Court has not found a commensurate right to counsel in civil matters implicating basic human needs.¹¹ Marking the high point in Supreme Court jurisprudence on this issue, in *In re Gault*, the Court found that juveniles in delinquency proceedings have a constitutional right to civil counsel under the Due Process Clause.¹² The Court recognized that the liberty interest at stake was "comparable in seriousness to felony prosecution."¹³ Since *In re Gault*, however, the Supreme Court has taken up few cases involving claims for the civil right to counsel.¹⁴

⁸ *Id.*

⁹ See Barton, *supra* note 3, at 1228.

¹⁰ See Brito et al., *supra* note 4, at 225.

¹¹ See *id.* at 226.

¹² *Id.*

¹³ *In re Gault*, 87 S. Ct. 1428, 1448 (1967).

¹⁴ Brito et al., *supra* note 4, at 226.

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Moreover, in *Lassiter v. Department of Social Services* and *Turner v. Rogers*, the Supreme Court declined to find a categorical due process right to civil counsel.¹⁵ The Court held in *Lassiter* that there was no absolute right to counsel in termination of parental rights cases.¹⁶ Instead, the Court applied the balancing test from *Mathews v. Eldridge* to suggest that courts determine due process right to counsel on a case-by-case basis.¹⁷ The Court also established the presumption that “an indigent litigant has a right to appointed counsel only when, if he loses, he may be deprived of physical liberty.”¹⁸

Additionally, in *Turner*, the Court found that counsel is not categorically required even when a physical liberty interest is at stake.¹⁹ The Court examined whether the Due Process Clause required states to provide legal counsel to an indigent, noncustodial parent at a child support contempt hearing that could lead to civil incarceration.²⁰ The Court held that rather than appointing counsel, at minimum, states must provide unrepresented litigants with “substitute procedural safeguards” to ensure meaningful access to the courts.²¹ These safeguards include pro se court forms or the assistance of a “neutral social worker” to promote fundamental fairness for unrepresented litigants.²²

Consequently, Supreme Court jurisprudence on this issue has left low-income litigants without access to publicly appointed counsel in civil matters. Studies confirm that the vast majority

¹⁵ *Id.* at 227.

¹⁶ *Lassiter v. Dep’t of Soc. Servs.*, 101 S.Ct. 2153, 2162 (1981).

¹⁷ *Brito et al.*, *supra* note 4, at 227. *See also Mathews v. Eldridge*, 96 S. Ct. 893, 903 (1976) (“[P]rior decisions dictate that identification of the specific dictates of our due process generally requires three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burden that the additional or substitute procedural requirement would entail.”).

¹⁸ *Lassiter* 101 S.Ct. at 2159.

¹⁹ *Turner v. Rogers*, 131 S. Ct. 2507, 2520 (2011).

²⁰ *Brito et al.*, *supra* note 4, at 227.

²¹ *Id.* at 228.

²² Ingrid V. Eagly, *Gideon’s Migration*, 122 YALE L.J. 2282, 2313 (2013).

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of low-income litigants go unrepresented in civil cases.²³ In a 2017 study, Legal Services Corporation found that 86% of the civil legal problems reported by low-income Americans received inadequate or no legal help over the year.²⁴ That same year, low-income Americans approached LSC-funded legal aid organizations for support with an estimated 1.7 million civil legal issues, yet received only limited or no legal help in more than half of these matters.²⁵ The most common civil legal problems that low-income Americans sought help for were connected to family, housing, or income maintenance.²⁶

Legal Services Corporation describes this deficiency in access to civil counsel for low-income Americans as the “justice gap.”²⁷ This gap has grown even more pressing in recent years.²⁸ Moreover, the “justice gap” affects a significant portion of the U.S. population and impacts vulnerable people. More than 60 million Americans have incomes at or below 125% of the federal poverty level.²⁹ This group includes 6.4 million seniors, over 11.1 million persons with disabilities, more than 1.7 million veterans, and about 10 million rural residents.³⁰

II. INCORPORATING THE CIVIL RIGHT TO COUNSEL AS AN ESTABLISHED OR NOVEL RIGHT

Critics of “Civil *Gideon*” distinguish from *Gideon* by noting that the Supreme Court limited the right to counsel in criminal proceedings on a plainly expressed right in the Sixth Amendment.³¹ Nevertheless, this Note argues that courts can incorporate the civil right to counsel

²³ Brito et al., *supra* note 4, at 223.

²⁴ LEGAL SERVS. CORP., THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS 6 (2017).

²⁵ *Id.*

²⁶ *Id.* at 8.

²⁷ *See id.*

²⁸ Brito et al., *supra* note 4, at 223.

²⁹ LEGAL SERVS. CORP., *supra* note 24.

³⁰ *Id.*

³¹ *See* FRANK, *supra* note 7.

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as either an established right via an interpretation of old English law or a novel right based on due process or equal protection concepts.

A. The Civil Right to Counsel Exist as a Historically Based Right via Common Law

Although American courts have rejected a civil right to counsel, the right “arguably already exists” in some American states as a matter of common law derived from old English common and statutory law.³² This argument may appeal to judges who are more willing to revive a historically-based right rather than establish a new right derived from interpretations of due process or equal protection concepts.³³ Furthermore, such an argument relies not on intangible principles of justice or fairness, but on a developed body of law from England.³⁴

The right to civil counsel has a long history in England, and several American states have recognized aspects of the right.³⁵ English courts developed the right to civil counsel through common and statutory law.³⁶ By the 18th century, England had an established right to civil counsel commensurate with the Sixth Amendment right to criminal counsel found in America today.³⁷ Moreover, several states continue to recognize facets of the right with express reference to old English law.³⁸ For example, The Washington Supreme Court cited old English law to support the notion that courts have the inherent power to waive court fees; Likewise, California courts continue to acknowledge old English law as the source of *in forma pauperis* rights.³⁹

³² Scott F. Llewellyn & Brian Hawkins, *Taking the English Right to Counsel Seriously in American “Civil Gideon” Litigation*, 45 U. MICH. J.L. REFORM 635, 635 (2012).

³³ *Id.*

³⁴ *Id.* at 638.

³⁵ See *id.* at 659.

³⁶ See *id.* at 641.

³⁷ *Id.*

³⁸ See *id.* at 649.

³⁹ *Id.* at 650.

Carlos A. Larrauri
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The policy rationale for the English civil right to counsel remains applicable to current conditions in the American states.⁴⁰ The provision of the right to civil counsel is consistent with the move toward greater legal protections for low-income litigants.⁴¹ Many American states have already incorporated old English common law into their domestic laws by constitution or statute and recognize it as a source of binding authority.⁴² As such, applicable states could recognize the civil right to counsel via common law derived from old English law.

B. *The Supreme Court Should Establish a Novel Right to Civil Counsel*

Gideon and its progeny were at the forefront of the “living constitution” cases that transformed due process.⁴³ *Gideon*’s interpretation of due process may not have been consistent with the original understanding of the Constitution.⁴⁴ However, *Gideon* “struck a chord”⁴⁵ when it held that “reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.”⁴⁶

Although the *Gideon* opinion did not mention social justice,⁴⁷ promoting equality is essential to the right to counsel.⁴⁸ As such, the Supreme Court should extend a novel right to civil counsel based on fundamental fairness required by the Due Process and Equal Protection Clause of the Fourteenth Amendment. Moreover, the Court need not overturn *Lassiter* nor extend the right to

⁴⁰ See *id.* at 654.

⁴¹ *Id.*

⁴² *Id.* at 638.

⁴³ Barton, *supra* note 3, at 1232.

⁴⁴ *Id.* at 1272.

⁴⁵ *Id.* at 1232.

⁴⁶ *Gideon v. Wainwright*, 83 S. Ct. 792, 796 (1963).

⁴⁷ Kathryn A. Sabbeth, *Housing Defense as the New Gideon*, 73 HARV. J.L. & GENDER, 865, 873 (2018).

⁴⁸ *Id.* at 96.

Carlos A. Larrauri
Writing Sample #2

counsel to every civil case.⁴⁹ Even a narrow holding would open the door to developing rights in other civil matters,⁵⁰ speeding up years of state-by-state legislative reform and ensuring that every state provides a right to counsel in civil cases.⁵¹

Additionally, the Court should look to international and foreign contemporaries as models for extending a civil right to counsel under due process or equal protection concepts. Common law countries worldwide have accepted the civil right to counsel more broadly.⁵² Some European legal systems have incorporated a civil right to counsel via due process and equal protection analyses.⁵³ For example, in 1937, Switzerland's Supreme Court grounded the civil right to counsel in an equal protection analysis.⁵⁴ It stated, "[a]ll citizens whether poor or rich should have access to the court."⁵⁵ In 1973, the German Constitutional Court based the right on due process analysis, likewise stressing the need for the indigent to have access to the courts.⁵⁶

III. ADMINISTERING THE CIVIL RIGHT TO COUNSEL AND COST CONCERNS

Opponents of "Civil *Gideon*" claim that appointed civil counsel would be counterproductive and fail to increase access to the courts for low-income litigants.⁵⁷ They stress concerns regarding the prohibitive cost and administration of the right.⁵⁸ Critics foresee unanticipated externalities and a flood of meritless cases if legal access becomes costless in the civil context.⁵⁹ This Note asserts that

⁴⁹ Sarah Dina Moore Alba, *Comment, Searching for the "Civil Gideon": Procedural Due Process and the Juvenile Right to Counsel in Termination Proceedings*, 13 U. PA. J. CONST. L. 1079, 1080 (2011).

⁵⁰ *Id.*

⁵¹ *Id.* at 1098.

⁵² See Raven Lidman, *Civil Gideon: A Human Right Elsewhere in the World*, 40 CLEARINGHOUSE REV. 288, 288 (2006).

⁵³ See *id.* at 290.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ See FRANK, *supra* note 7.

⁵⁸ *Id.*

⁵⁹ See *id.* at 2-3.

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Writing Sample #2

courts can use a means and merit test to appoint civil counsel judiciously. Furthermore, the funds spent on the civil right to counsel are investments in communities that improve outcomes and outweigh associated costs.

A. Courts Should Use a Means Test and a Merits Test to Determine Eligibility

In the international context, the civil right to counsel is not without limits.⁶⁰ The standards of eligibility and the scope of services differ from country to country; however, specific patterns are apparent.⁶¹ For example, most countries use a sliding scale based on income and provide the services for free if the litigant has modest income and resources.⁶² If their income exceeds the limit for a gratuitous lawyer, the litigants must contribute a portion of the case costs.⁶³ Certain groups, such as the aged, disabled, veterans, and people on social security, are automatically eligible in some countries.⁶⁴

Moreover, many countries apply a merit test before granting access to publicly funded counsel.⁶⁵ This test does not involve a “minihearing” on the merits; instead, the body appointing free counsel typically makes the determination.⁶⁶ A common standard is similar to a *prima facie* showing; however, some countries require litigants to demonstrate that they are likely to succeed.⁶⁷ As such, American courts can look to European countries that have established the right and have developed criteria for determining income and merit eligibility.⁶⁸

⁶⁰ Lidman, *supra* note 52, at 291.

⁶¹ *Id.*

⁶² *See id.* at 292.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *See id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at 292-93.

⁶⁸ *See id.* at 293.

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B. *Funds Spent on The Civil Right to Counsel are an Investment*

Existing studies suggest that representation in civil cases provides both direct and indirect benefits that offset the direct cost of appointing counsel.⁶⁹ For example, studies indicate that inadequate legal representation leads to children unnecessarily spending time in foster care in child welfare cases.⁷⁰ When litigants in New York City received “effective parent representation,” their children’s stay in foster care was roughly five months compared to a citywide average of almost a year.⁷¹ Similar findings in Oregon, California, and Washington suggest that representation is associated with increased unification, guardianship, and adoption.⁷² Thus, an investment in legal representation promotes positive outcomes for children and avoids the waste of scarce public resources.⁷³

Furthermore, governments can lower downstream costs by spending funds on legal services.⁷⁴ For example, the societal costs of homelessness far exceed those of public counsel in eviction court.⁷⁵ A 2016 cost-benefit analysis of a civil right to counsel in eviction cases for low-income renters in New York City found that the net cost savings for the city would be \$320 million per year.⁷⁶ The city would save funding by preventing families from entering shelters, avoiding homelessness, and preserving affordable rental homes.⁷⁷

⁶⁹ *Id.*

⁷⁰ See Vivek S. Sankaran, *Moving Beyond Lassiter: The Need for a Federal Statutory Right to Counsel for Parents in Child Welfare Cases*, 44 J. LEGIS. 1, 13 (2017).

⁷¹ *Id.* at 14.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ See Matthew Desmond, *Tipping the Scales in Housing Court*, N.Y. TIMES (Nov. 29, 2012), <https://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html>.

⁷⁵ Ericka Petersen, *Building a House for Gideon: The Right to Counsel in Evictions*, 16 STAN. J. C.R. & C.L. 63, 88 (2020).

⁷⁶ HEIDE SCHULTHEIS & CATLIN ROONEY, CTR. FOR AM. PROGRESS, A RIGHT TO COUNSEL IS A RIGHT TO A FIGHTING CHANCE 7 (2019).

⁷⁷ See *id.*

Carlos A. Larrauri
Writing Sample #2

CONCLUSION

The lack of a civil right to counsel in situations where basic human needs are at stake undermines our legal system.⁷⁸ Although detractors of “*Civil Gideon*” raise valid constitutional, logistical, and financial concerns, these concerns do not overcome the compelling need for civil counsel.⁷⁹ By extending the civil right to counsel, a person’s ability to protect and defend basic human needs, such as shelter, sustenance, safety, health, and child custody, will no longer depend on their wealth.

⁷⁸ Alba, *supra* note 49, at 1102.

⁷⁹ *Id.* at 1101.

Applicant Details

First Name **Carlos**
 Middle Initial **A.**
 Last Name **Larrauri**
 Citizenship Status **U. S. Citizen**
 Email Address larrauri@umich.edu

Address

Address
Street
9818 SW 94th Terrace
City
Miami
State/Territory
Florida
Zip
33176

Contact Phone Number **(305) 510-9196**

Applicant Education

BA/BS From **New College of Florida**
 Date of BA/BS **May 2011**
 JD/LLB From **The University of Michigan Law School**
<http://www.law.umich.edu/currentstudents/careerservices>
 Date of JD/LLB **May 3, 2024**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **Michigan Law Review**
 Moot Court Experience **No**

Bar Admission**Prior Judicial Experience**

Judicial Internships/
 Externships **No**
 Post-graduate Judicial
 Law Clerk **No**

Specialized Work Experience

Professional Organization

Organizations

Just the Beginning Organization

Recommenders

Price, Nicholson
wnp@umich.edu
734-763-8509
Stein, Michael
mastein@law.harvard.edu
617-495-1726
Mendlow, Gabriel
mendlow@umich.edu
734-764-9337
Chopp, Debra
dchopp@umich.edu
734-763-1948

References

Chopp, Debra
dchopp@umich.edu
734-763-1948
Price, Nicholson
wnp@umich.edu
734-763-8509
Mendlow, Gabriel
mendlow@umich.edu
734-764-9337
Stein, Michael
mastein@law.harvard.edu
617-495-1726

This applicant has certified that all data entered in this profile and any application documents are true and correct.

July 29, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

I am a rising third-year law student at the University of Michigan Law School and a Zuckerman Fellow at Harvard's Center for Public Leadership, where I am pursuing a concurrent master in public administration at the Harvard Kennedy School of Government. I am writing to apply for a clerkship in your chambers for the 2025–2026 term. A clerkship in your chambers will offer me unparalleled preparation for a career in public service as a healthcare rights advocate.

Having practiced for five years as a dual board-certified family nurse practitioner and psychiatric mental health nurse practitioner, I have seen firsthand how the legal system can hinder or facilitate positive change, underscoring the vital importance of compassionate, thoughtful decision-making. Nonetheless, to develop greater literacy in the legal system and the tools needed for systemic advocacy, I decided to build upon my clinical training and pursue legal and policy education.

Furthermore, my work across academia and policymaking has allowed me to hone my written and oral advocacy, research diligence, and ability to collaborate with others. In addition to serving as a Senior Editor of the *Michigan Law Review*, I have assisted professors at both Harvard and Michigan with research leading to publishable scholarship, including a current chapter for an American Psychiatric Association clinical textbook, a publication in *World Psychiatry*, and other projects.

While my substantive focus has been on the intersection of mental health, law, and policy, I am ready to broaden my understanding of various legal areas, gain valuable insights into judicial decision-making, and hone my legal writing and argument construction skills. I believe your guidance and mentorship would be invaluable in my personal and professional growth as an attorney, and I would be eager to contribute and continue developing these skills and insights as a clerk in your chambers.

I have attached my resume, transcripts, and writing sample(s) for your review. Letters of recommendation from the following professors are also attached:

- Professor Michael Ashley Stein: mastein@law.harvard.edu, (617) 495-1726
- Professor William Nicholson Price II: wnp@umich.edu, (734) 763-8509
- Professor Debra Chopp: dchopp@umich.edu, (734) 763-1948
- Professor Gabriel Mendlow: mendlow@umich.edu, (734) 764-9337

Thank you for your time and consideration.

Respectfully,

Carlos A. Larrauri

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL	Ann Arbor, MI
HARVARD KENNEDY SCHOOL OF GOVERNMENT	Cambridge, MA
Concurrent Juris Doctor/Master in Public Administration	May 2024
Journal: <i>Michigan Law Review</i> , Senior Editor, Vol. 122	
Honors: Zuckerman Fellowship, Harvard's Center for Public Leadership (full tuition & stipend for one year)	
Dean's Scholarship, University of Michigan (\$60,000)	
Activities: Research Assistant for Prof. Gabriel Mendlow (researching coercion in mental healthcare)	
The Appellate Project Mentee (2020-2021)	

UNIVERSITY OF MIAMI SCHOOL OF NURSING AND HEALTH STUDIES	Coral Gables, FL
Master of Science in Nursing	August 2017
Honors: Sigma Theta Tau International Honor Society of Nursing	
Award: The 2017 Community Engagement Award	

MIAMI DADE COLLEGE BENJAMÍN LEÓN SCHOOL OF NURSING	Miami, FL
Bachelor of Science in Nursing	July 2016
Honors: Benjamin Leon Scholarship (full tuition)	

NEW COLLEGE OF FLORIDA (THE HONORS COLLEGE)	Sarasota, FL
Bachelor of Arts in Humanities	April 2011
Honors: Florida Academic Scholars Award (full tuition)	

EXPERIENCE

SIDLEY AUSTIN, LLP	New York City, NY & Washington D.C.
<i>Summer Associate 2L Diversity & Inclusion Fellow</i>	May 2022 – July 2022; May 2023 – July 2023
<ul style="list-style-type: none"> • Drafted an 18-page memo analyzing federal case law interpreting the statutory provisions and implementing regulations of FDA's three-year exclusivity for new clinical investigations. • Conducted legal research on capital litigation, social security disability, and police misconduct matters. 	

THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, SCIENCE, AND THE ARTS	Ann Arbor, MI
<i>Graduate Student Instructor for the Global Scholars Program</i>	August 2022 – May 2023
<ul style="list-style-type: none"> • Delivered a lecture to 70+ students on a "Rights-based Approach to Mental Health" in the Fall of 2022. • Co-led check-ins with student leaders, provided guidance on facilitating student groups, and delivered feedback on essays and other written assignments. 	

THE UNIVERSITY OF MICHIGAN PEDIATRIC ADVOCACY CLINIC	Ann Arbor, MI
<i>Student Attorney 1L Goodwin Diversity Fellow</i>	May 2021 – August 2021
<ul style="list-style-type: none"> • Worked on an interdisciplinary team with physicians as a medical-legal partnership to provide relief for legal issues linked to children's medical and social problems, including housing, education, and public benefits. • Conducted legal research on family law, interviewed clients, and cross-examined a witness at trial. 	

UNIVERSITY OF MIAMI SCHOOL OF NURSING AND HEALTH STUDIES	Coral Gables, FL
<i>Lecturer, Psychiatric Nursing</i>	August 2018 – May 2020
<ul style="list-style-type: none"> • Trained seven accelerated BSN students per semester on the fundamentals of psychiatric nursing in community mental health and inpatient psychiatric facilities. • Graded and delivered feedback on essays and other written assignments. 	

CARLOS A. LARRAURI, LLC	Miami, FL
<i>Clinical Director & Advanced Practice Registered Nurse</i>	November 2017 – August 2023
<ul style="list-style-type: none"> • Diagnosed, prescribed, and evaluated treatment response for fifteen to twenty-five patients per week in a community mental health center in Washington State (via telepsychiatry). 	

C. Larrauri

- Supervised staff and patient care at four community mental health centers in South Florida and ensured compliance with applicable laws, rules, and regulations.

IMIC MEDICAL RESEARCH CENTER

Sub-Investigator

Palmetto Bay, FL

April 2018 – August 2018

- Conducted clinical research for over twelve successful phase II, III, and IV drug trials.
- Ensured study compliance with regulations, guidelines, and standard operating procedures.

CORRECT CARE RECOVERY SOLUTIONS

Psychiatric Registered Nurse

Homestead, FL

November 2015 – April 2016

- Administered medications, evaluated psychiatric and medical progress, and recorded patient data for up to twenty-five patients daily at a maximum-security forensic psychiatric hospital.
- Directed support staff, including a team of three mental health technicians.

SELECTED SCHOLARSHIP

- Fusar-Poli, P., Sunkel, C., **Larrauri, C. A.**, Keri, P., McGorry, P. D., Thornicroft, G., & Patel, V. (2023). Violence and schizophrenia: the role of social determinants of health and the need for early intervention. *World psychiatry*, 22(2), 230–231. <https://doi.org/10.1002/wps.21074>.
- Brady, L. S., **Larrauri, C. A.**, & AMP SCZ Steering Committee (2023). Accelerating Medicines Partnership® Schizophrenia (AMP® SCZ): developing tools to enable early intervention in the psychosis high risk state. *World Psychiatry*, 22(1), 42–43. <https://doi.org/10.1002/wps.21038>.
- **C.A. Larrauri** & C. Garret. First-person accounts of advocacy work. In: Intervening Early in Psychosis – a team approach, edited by K.V. Hardy, J.S. Ballon, D.L. Noordsy, and S. Adelsheim. Washington DC: American Psychiatric Association Publishing, 2019.

SELECTED SERVICE AND LEADERSHIP

FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH

Bethesda, MD

Steering Committee Co-Chair for the Accelerated Medicines Partnership program in Schizophrenia

October 2020 – Present

- Co-leading a \$100 million public-private partnership to develop more effective medicines by defining and maintaining the research plan, reviewing the project's progress, and providing an assessment of milestones.

NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE

Washington D.C.

Planning Committee for Novel Molecular Targets for Mood Disorders and Psychosis

November 2020 – March 2021

- Planned a virtual workshop by developing the workshop's agenda, selecting, and inviting speakers and discussants, and assisting in moderating the discussions.

THE BROAD INSTITUTE OF MIT AND HARVARD

Cambridge, MA

Schizophrenia Spectrum Biomarkers Consortium Ethics Workgroup

November 2019 – Present

- Developing participant education materials and creating patient and family surveys to enhance patient engagement and outreach for the biomarkers study.

NATIONAL ALLIANCE ON MENTAL ILLNESS

Arlington, VA

Board of Directors, Former Secretary & Chair of Board Policy and Governance

July 2017 – June 2023

- Recorded and preserved minutes and reviewed agendas for executive committee meetings.
- Served on strategic planning, governance, and policy committees, and workgroup on diversity and inclusion.

ADDITIONAL

Languages: Spanish (professional working proficiency in reading, writing, and speaking)

Programming Skills: STATA (intermediate proficiency) and R (beginner proficiency)

Public Speaking: Harvard Law School, Harvard Business School, Stanford, UCSF, National Academies

Interests: Composing original music, traveling, cooking, genealogy, financial investing, and weightlifting

Control No: E196661401

Issue Date: 05/30/2023

Page 1

The University of Michigan Law School

Cumulative Grade Report and Academic Record

Name: Larrauri, Carlos Alberto
Student#: 86798752



Paul R. Larson
University Registrar

Subject	Course Number	Section Number	Course Title	Instructor	Load Hours	Graded Hours	Towards Program	Credit Grade
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Fall 2020 (August 31, 2020 To December 14, 2020)

LAW	510	001	Civil Procedure	Maureen Carroll	4.00	4.00	4.00	B+
LAW	520	005	Contracts	Albert Choi	4.00	4.00	4.00	B+
LAW	580	008	Torts	Kyle Logue	4.00	4.00	4.00	B+
LAW	593	001	Legal Practice Skills I	Margaret Hannon	2.00		2.00	S
LAW	598	001	Legal Pract:Writing & Analysis	Margaret Hannon	1.00		1.00	S

Term Total	GPA: 3.300	15.00	12.00	15.00
Cumulative Total	GPA: 3.300		12.00	15.00

Winter 2021 (January 19, 2021 To May 06, 2021)

LAW	530	001	Criminal Law	Gabe Mendlow	4.00	4.00	4.00	B+
LAW	540	003	Introduction to Constitutional Law	Richard Primus	4.00	4.00	4.00	B
LAW	594	001	Legal Practice Skills II	Margaret Hannon	2.00		2.00	S
LAW	673	001	Family Law	Maude Myers	3.00	3.00	3.00	B+
LAW	898	001	Law and Psychiatry Crossroads	Debra Pinals	2.00	2.00	2.00	A+

Term Total	GPA: 3.361	15.00	13.00	15.00
Cumulative Total	GPA: 3.332		25.00	30.00

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Page 2

The University of Michigan Law School

Cumulative Grade Report and Academic Record

Name: Larrauri, Carlos Alberto
Student#: 86798752



Paul R. Larson
University Registrar

				Credit			
				Load	Graded	Towards	
Subject	Course Number	Section Number	Course Title	Instructor	Hours	Hours	Program Grade
Fall 2022 (August 29, 2022 To December 16, 2022)							
LAW	448	001	Business Planning	Stefan Tucker	2.00	2.00	2.00 A
LAW	781	001	FDA Law	Ralph Hall	3.00	3.00	3.00 A
LAW	839	001	Innovation in Life Sciences	Nicholson Price	2.00	2.00	2.00 A
LAW	900	377	Research	Nicholson Price	1.00	1.00	1.00 A
LAW	910	001	Child Advocacy Clinic	Joshua Kay	4.00	4.00	4.00 B+
LAW	911	001	Child Advocacy Clinic Seminar	Frank Vandervort	3.00	3.00	3.00 A-
Term Total				GPA: 3.753	15.00	15.00	15.00
Cumulative Total				GPA: 3.490	40.00	45.00	
Winter 2023 (January 11, 2023 To May 04, 2023)							
LAW	663	001	Legal Tech Literacy&Leadership	Dennis Kennedy	2.00	2.00	2.00 A
LAW	712	002	Negotiation	Barbara Kaye	2.00	2.00	2.00 A
LAW	727	001	Patent Law	Rebecca Eisenberg	4.00	4.00	4.00 B+
LAW	737	001	Higher Education Law	Jack Bernard	4.00	4.00	4.00 A-
LAW	877	001	Law in Slavery and Freedom	Rebecca Scott	2.00	2.00	2.00 B+
LAW	900	348	Research	Gabe Mendlow	2.00	2.00	2.00 A
Term Total				GPA: 3.662	16.00	16.00	16.00
Cumulative Total				GPA: 3.539	56.00	61.00	

End of Transcript
Total Number of Pages 2

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University of Michigan Law School Grading System

Honor Points or Definitions

Through Winter Term 1993		Beginning Summer Term 1993	
A+	4.5	A+	4.3
A	4.0	A	4.0
B+	3.5	A-	3.7
B	3.0	B+	3.3
C+	2.5	B	3.0
C	2.0	B-	2.7
D+	1.5	C+	2.3
D	1.0	C	2.0
E	0	C-	1.7
		D+	1.3
		D	1.0
		E	0

Other Grades:

- F Fail.
- H Top 15% of students in the Legal Practice courses for students who matriculated from Spring/Summer 1996 through Fall 2003. Top 20% of students in the Legal Practice courses for students who matriculated in Spring/Summer 2004 and thereafter. For students who matriculated from Spring/Summer 2005 through Fall 2015, "H" is not an option for LAW 592 Legal Practice Skills.
- I Incomplete.
- P Pass when student has elected the limited grade option.*
- PS Pass.
- S Pass when course is required to be graded on a limited grade basis or, beginning Summer 1993, when a student chooses to take a non-law course on a limited grade basis.* For SJD students who matriculated in Fall 2016 and thereafter, "S" represents satisfactory progress in the SJD program. (Grades not assigned for LAW 970 SJD Research prior to Fall 2016.)
- T Mandatory pass when student is transferring to U of M Law School.
- W Withdrew from course.
- Y Final grade has not been assigned.
- * A student who earns a grade equivalent to C or better is given a P or S, except that in clinical courses beginning in the Fall Term 1993 a student must earn a grade equivalent to a C+ or better to be given the S.

MACL Program: HP (High Pass), PS (Pass), LP (Low Pass), F (Fail)

Non-Law Courses: Grades for these courses are not factored into the grade point average of law students. Most programs have customary grades such as A, A-, B+, etc. The School of Business Administration, however, uses the following guides: EX (Excellent), GD (Good), PS (Pass), LP (Low Pass) and F (Fail).

Third Party Recipients

As a third party recipient of this transcript, you, your agents or employees are obligated by the Family Rights and Privacy Act of 1974 not to release this information to any other third party without the written consent of the student named on this Cumulative Grade Report and Academic Record.

Official Copies

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The work reported on the reverse side of this transcript reflects work undertaken for credit as a University of Michigan law student. If the student attended other schools or colleges at the University of Michigan, a separate transcript may be requested from the University of Michigan, Office of the Registrar, Ann Arbor, Michigan 48109-1382.

Any questions concerning this transcript should be addressed to:

Office of Student Records
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109-1215
(734) 763-6499



New College

THE HONORS COLLEGE of Florida

Office of the Registrar
5800 Bay Shore Road, PMD-115
Sarasota, FL 34243-2109
Phone: (941) 487-4230 • Fax: (941) 487-4478

OFFICIAL TRANSCRIPT

Carlos Alberto Larrauri (N10212119) SSN: XXX-XX-XXXX

DOB: DEC 17 Residency: In-State

Degree Awarded: Bachelor of Arts Award Date: 25-MAY-12 Area of Concentration: Humanities

Previous Colleges

Miami-Dade CC	Miami, FL	25-AUG-04 - 22-DEC-07	Associate of Arts
Ohio State U	Columbus, OH	01-SEP-06 - 01-JUN-07	Less than Associate Degree

Work Satisfactorily Completed

Transcript Key: *Meets Liberal Arts Requirement | CHE Credit Hour Equivalency | ISP Independent Study Project | R/P Independent Reading Project

Transfer Credit

Contract 1 - Transfer Credit
Contract 2 - Transfer Credit
ISP 1 - Transfer Credit
Other (incl. 2 units for AA degree)

CHE Units

16 4
16 4
4 1
24 6

Spring 2011

Tutorial: Thesis

CHE Units

4 1

Fall 2010

Philosophy of Religion
The Anthropology of Performance
Tutorial: Thesis
Independent Study Project: Wakeland Elementary

CHE Units

4 1
4 1
4 1
4 1

Spring 2010

Indian Buddhist Thought
Myth and Ritual: Anthropological Approaches to the Study of Religion
Religion and Sexuality

CHE Units

4 1
4 1
4 1

Fall 2009

Introduction to the Study of Religion*
Orientalism*
Psychology of Religion
Introduction to Ethical Theory*

CHE Units

4 1
4 1
2 .5
4 1

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OFFICIAL TRANSCRIPT

Spring 2009

Tutorial: Biointensive Agriculture: Theories and Methods

CHE 4 Units 1

Fall 2008

Metaphysics Survey*

Religions of South Asia*

Reading Poetry*

Independent Study Project: Fundamentals of Sail Boat Reconstruction, Maintenance and Navigation

CHE 4 Units 1
4 1
4 1
4 1

Spring 2008

Ritual Theory*

History of the Novel in English 1720-1930*

Writing America(n)*

CHE 4 Units 1
4 1
4 1

Senior Thesis or Project Title & Baccalaureate Exam Date (oral defense of senior thesis or project)

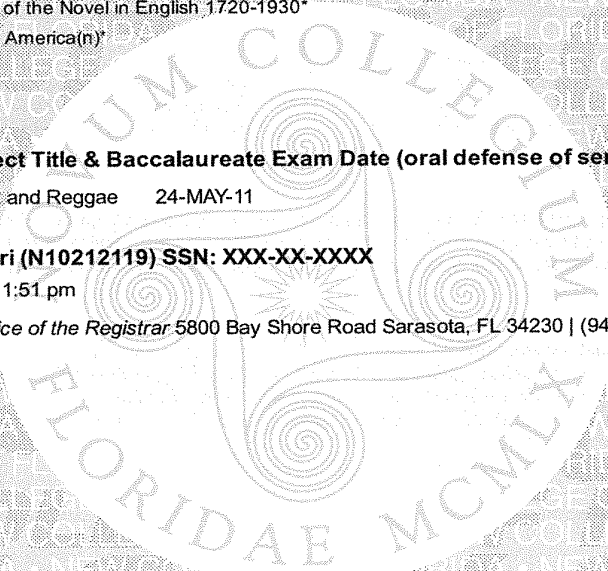
The Rastafari Movement and Reggae 24-MAY-11

Carlos Alberto Larrauri (N10212119) SSN: XXX-XX-XXXX

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HARVARD Kennedy School

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Office of the Registrar
79 John F. Kennedy Street
Cambridge, Massachusetts 02138

Name: **Carlos Larrauri**
ID: **21405191**

Program: **Master in Public Administration**

Dual Program: **University of Michigan Law School**

2021 Fall

School	Course	Course Name	Earned Credit	Grade
	DPI 122	Politics and American Public Policy	4.00	A
GSE	EDU S040	Introductory and Intermediate Statistics for Educational Research: Applied Linear Regression	4.00	A
PBH	GHP 204	Foundations of Global Mental Health	2.00	A
	MLD 401M	Financial Analysis of Public and Nonprofit Organizations	2.00	B+
	MLD 411M	Introduction to Budgeting and Financial Management	2.00	B+
	MLD 802M	Nonprofit Management and Leadership	2.00	A-

2022 Spring

School	Course	Course Name	Earned Credit	Grade
	DPI 321	Modern American Political Campaigns	4.00	A
	DPI 515	Disability Law and Policy	4.00	A
GSE	EDU S052	Intermediate and Advanced Statistical Methods for Applied Educational Research	4.00	A
PBH	GHP 208	Global Mental Health Delivery: From Research to Practice	2.00	A
	SUP 500	U.S. Health Care Policy	4.00	A

END OF TRANSCRIPT

- See reverse for explanation of grades, credits, and abbreviations.
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Laura Recklet, Registrar

HARVARD UNIVERSITY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Office of the Registrar

79 John F. Kennedy Street

Cambridge, Massachusetts 02138

Tel. (617) 495-1155 Fax (617) 496-1165

Degrees Offered

Dr P.A. (Doctorate in Public Administration)

MCRP (Master in City and Regional Planning) prior to June 1993

MPA (Master in Public Administration)

MPA/ID (Master in Public Administration in International Development)

MPP (Master in Public Policy)

MPP/UP (Master in Public Policy and Urban Planning)

Cross-Registration

In addition to enrolling in courses at Harvard's Kennedy School of Government (HKS), students are permitted to enroll in courses for degree credit by petition to the following institutions:

Harvard University:

- Business School – HB (HBS*)
- Dental Medicine – HN (HDS*)
- Divinity School – HV (DIV*)
- Faculty of Arts and Science – HF (FAS*)
- Graduate School of Education – GSE
- Graduate School of Design – HD (GSD*)
- Law School – HL (HLS*)
- Medical School – HM (HMS*)
- School of Public Health – HP (SPH*)

Tufts University:

- Fletcher School of Law and Diplomacy – FL (FLT*): designated as (TUF) prior to June 1986

Massachusetts Institute of Technology – MIT (MIT*)

*Designates code used prior to 2003

Semester Hours/Credit

Courses taken prior to the 1994/95 academic year reflect the following credit system:

Prior to the 1994/95 academic year, semester long courses equal 'H' credit, half-semester courses designated with an 'M' equal module credit (1/2 'H' credit), and year long courses designated with a 'Y' are worth 'H' credit. Year long courses without a 'Y' designation are 'F' courses, equivalent in credit to 2 'H' courses. A normal full-time course load consists of eight 'H' courses a year.

Courses taken beginning in the 1994/95 through 2015/16 academic years reflect the following credit system:

Beginning in the 1994/95 academic year, semester long courses equal 1 credit, half-semester courses designated with an 'M' equal 1/2 credit, and year long courses designated with a 'Y' are worth 1 credit. A normal full-time course load consists of eight credits per academic year.

Courses taken in the 2016/17 academic year and thereafter reflect the following credit system:

Beginning in the 2016/17 academic year, individual course credits range between 1.5 and 6 per semester. Normally, semester long courses equal 4 credits, half-semester courses designated with an 'M' equal 2 credits, and year long courses designated with a 'Y' are worth 4 credits. A normal full-time course load consists of 24 credits per academic year. Previous years' credits for course enrollments were converted into the current system for students graduating during the 2016/17 academic year and thereafter.

Joint and Concurrent Degrees

The Kennedy School of Government, in cooperation with Harvard's Schools of Law, Business, and Medicine and selected other universities, offers several concurrent degrees. Students must be admitted independently to both schools. Kennedy School requirements for graduation are reduced by 16-24 (4-6 prior to AY 2016/17) credits depending on the HKS program. The degree is awarded only upon completion of the requirements for both degrees. Transcripts reflecting confirmation of the other degree should be obtained from the appropriate school's Registrar.

Transcript questions should be referred to the Registrar.

Other Transcript Notations

MAC: Methodological Area of Concentration

Explanation of Grades

Beginning June 1986	
Pass	Fail
A, A-, B+, B, B-, C+, C, C-, D, P, SAT	E, F, UNS, UNSAT

Prior to June 1986	
Pass	Fail
A, A-, B+, B, SAT	C+, C, C-, E, UNS

Satisfactory Work Beginning June 1986

Grades of C+ or below are generally considered unsatisfactory but are not failing grades. They may be offset by grades of A- or A except for MPP and MPA/ID core courses and MPA distribution courses (effective September 1, 1998), where the lowest passing grade is a B-. An overall average of a B is required for graduation.

Satisfactory Work Prior to June 1986

The minimum standard for satisfactory work in the Kennedy School is a B average in each academic year. An HKS grade of C+ or below is a failing grade and is not included as credit towards a degree (effective September 1, 1978). Standards set by other schools in which a student is cross-registered are observed when determining whether a grade from that school is considered passing or failing.

Courses taken at another school for credit toward Kennedy School degrees are graded according to that school's grading system; grades are not converted. The following grades are not acceptable for credit:

IV, 4, ABS, AWD, DRP, E, F, INC, IP, NCR, NG, PI, T, U, UNS, UNSAT, W, WD.

Definitions of Non-Traditional Grades:

ABS	Absent from the final examination	LP	Low Pass
AWD	Administrative withdrawal	MP	Marginal Pass
DIS/DST	Distinction	NCR	No Credit
DRP	Indicates a withdrawal from a course during drop period	NG	No Grade
EXL	Excellent	P	Pass
EXM	Exempt- excused from a normally required course; not a grade	PI	Permanent incomplete- work not submitted by completion deadline for Incomplete (INC)
E	Fail	PRF	Proficient
HH	High Honors	SAT	Satisfactory
HP	High Pass	WD	Withdrew from course after drop deadline
INC	Incomplete- required course work not completed	UNS	Unsatisfactory
IP	In Progress		

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UNIVERSITY OF MICHIGAN LAW SCHOOL
625 South State Street
Ann Arbor, Michigan 48109-1215

W. Nicholson Price II
Professor of Law

July 29, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

I write to enthusiastically recommend Carlos Larrauri for a clerkship in your chambers. Carlos is a bright, tremendously motivated, energetic student who will be an asset to chambers.

Carlos was a student in my Innovation in the Life Sciences seminar in Fall 2022. The seminar asks students to master a complex body of literature about the different bodies of law influencing biomedical innovation, from patent law to FDA law to insurance reimbursement policy. It's complicated, and I demand a lot of the students: mastering hard readings, self-directed class contribution, and high-quality writing. Carlos was a frequent class contributor; his comments were smart, incisive, and interesting. And when he was wrong, he was good about recognizing it. All of this bodes well for his possibilities as a clerk.

I want to single out Carlos' term paper. I give my seminar students the option to write a term paper or several shorter responses; Carlos chose the paper. He was sharp in coming up with early, interesting possibilities, discussed them with me thoughtfully, and leapt into the topic he chose: inadequate incentives and development challenges for drugs to treat serious mental illness. His first draft was well written, well formatted, and well sourced—and well short of the mark in terms of making a convincing argument. I gave him tough criticism, suggesting major structural changes, big cuts, and new emphases. I didn't give him the answers, but I pointed out big problems. And I was truly, delightfully surprised by how well he responded to my critiques. His revised draft was terrific; much, much better, convincing, polished, and interesting. I recommended that he try to publish it (and indeed, I know he has been publishing elsewhere as well). Carlos' willingness to work hard to improve a paper that was polished but flawed is a real strength, and one that I think is an excellent one in a clerk. Clerking involves a steep learning curve, and I think Carlos will charge up that learning curve at full speed.

I'd be remiss if I didn't mention a bit about Carlos' path. He's a first-gen student, and he's absolutely passionate about healthcare advocacy. I think he's going to be an excellent, driven lawyer, and that clerking will be an important step in his professional development.

Finally, personally Carlos has been great to work with. He's unfailingly polite and professional; comes into meetings ready to go and move tasks forward; writes careful, succinct, emails; and is generally very efficient while still being warm and engaged. It makes things very easy.

It should be clear that I think highly of Carlos. He's smart, hard-working, and very focused. I suspect he will make a very good clerk, and I hope you take the time to meet him and see for yourself.

Thank you for taking the time to read this letter; if you have any other questions, or if there's anything else I can usefully say, please don't hesitate to contact me at 301-467-0643 or wnp@umich.edu.

Sincerely yours,

W. Nicholson Price II
Professor of Law
University of Michigan Law School



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

PROFESSOR MICHAEL STEIN

*Executive Director,
Harvard Law School Project on Disability*

*Austin Hall 305
1515 Massachusetts Avenue
617-495-1726; mastein@law.harvard.edu*

March 30, 2023

Dear Judge:

I am co-founder and Executive Director of the Harvard Law School Project on Disability and a Visiting Professor at Harvard Law School since 2005, and have known Carlos Larrauri since he began his master's in public administration in the fall of 2021 at the Harvard Kennedy School, where he received a Zuckerman Fellowship from Harvard's Center for Public Leadership in recognition of his demonstrated service and leadership potential. Carlos was in my HKS Disability Law and Policy class, where he was among the brightest and most passionate students. Even among the highly ambitious and dynamic group that HKS attracts, Carlos is a stand-out, both academically and as a leader. In the semesters since, Carlos and I have worked closely on several academic projects.

I have been particularly struck by Carlos's exceptional ability to meld practical experience with legal and policy analysis and to understand and anticipate the practical implications of law and policy decision making. He possesses a rare combination of incisive thought leadership, multidisciplinary training, and strong written and oral advocacy.

We recently published both a short book review and an article entitled *HIPAA vs. Ethical Care: Accounting for Privacy with Neuropsychiatric Impairments* that was featured on the cover issue of PSYCHIATRIC TIMES. Carlos's research and writing are notable for their high level of reasoning and care. He articulates legal arguments with clarity and force, skillfully balancing careful research, rigorous analysis, and persuasive writing. Additionally, Carlos consistently demonstrates professionalism and maturity in working with colleagues. His dedication to the study of law, strong work ethic, and congeniality makes him an excellent candidate for a clerkship. I believe he will reflect well upon your chambers now and in the future.

Please do not hesitate to contact me should you have any questions about Carlos.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Stein', with a long horizontal flourish extending to the right.

Michael Stein

UNIVERSITY OF MICHIGAN LAW SCHOOL

625 South State Street
Ann Arbor, Michigan 48109-1215

Gabriel S. Mendlow

Professor of Law and Professor of Philosophy

July 29, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

I am delighted to recommend Carlos Larrauri for a clerkship. After a strong performance in my 1L Criminal Law class at Michigan, Carlos took on two credits of independent research assisting me with a book project on criminal law and freedom of thought. He quickly established himself as one of the finest research assistants I have ever employed. Given the exceptional quality of his work product and his high degree of professionalism, I am confident that Carlos would make a wonderful law clerk. If I were a judge, I would hire him without hesitation.

An accomplished mental health practitioner pursuing both a J.D. at Michigan and a Master of Public Administration at Harvard, Carlos possesses knowledge and experience that are very rare for a law student. Carlos is a psychiatric registered nurse who has worked not only as a front-line clinician treating the most challenging patient populations, but also as a clinic director, a pharmaceutical researcher, a clinical instructor, a lecturer, and a published author. Building on this formidable foundation, Carlos has used his time at Michigan and Harvard to develop expertise in mental health law and policy. While I have found that law students with advanced training in another field and significant prior work experience sometimes have trouble learning how to think, write, and reason like a lawyer, Carlos has distinguished himself as a legal researcher and writer, having served as a Senior Editor of the Michigan Law Review. He is, in short, a talented lawyer-to-be—not to mention a conscientious, hardworking, and humble co-worker.

Capable of conducting expert-level research at the intersection of three fields—health law, health policy, and psychiatry—Carlos was uniquely qualified to provide the assistance I needed for a research project on the legal and ethical implications of coercion and forced treatment in mental healthcare. He wrote several outstanding memoranda integrating disparate topics that very few people could have handled as expertly as he did—from analytical summaries of the case law governing restoration of trial competency to lucid synopses of research on the phenomenology and subjective experiences of patients who had been subjected to forced psychotropic medication. Each of Carlos' first drafts was as well-written, impeccably-sourced, and tightly organized as material for which I would gladly award a grade of A.

Most impressive about Carlos is the depth of his commitment to reforming the law, policy, and practice of mental health. As a practitioner, Carlos has worked to provide compassionate and culturally competent care to patients with mental health conditions. As a policy advocate, he has argued for policies that promote mental health parity and expand access to much needed services. As a budding lawyer, he is committed to a career in healthcare advocacy. I am genuinely excited to see what he accomplishes in the years ahead.

As you can see, I think very highly of Carlos. It is difficult for me to describe Carlos' professionalism and maturity without sounding hyperbolic. He would be a dream to have in chambers.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Gabriel S. Mendlow

Gabriel Mendlow - mendlow@umich.edu - 734-764-9337

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

Writing Sample #1

I wrote this memo for my first-semester legal research and writing class. The hypothetical case involved the fictional Reasonable Accommodations Action Network (RAAN) suing Southern Michigan University (SMU) for violating the Michigan Freedom of Information Act (MFOIA). SMU denied an MFOIA request for student data (SMUID numbers) based on the “personal privacy” exemption of MFOIA. As such, I analyzed whether SMU could meet both elements of the “personal privacy” exemption under MFOIA. This memorandum is my work product and has not been edited by other persons.

Carlos A. Larrauri
Writing Sample #1

BRIEF ANSWER

The issue is whether the Michigan Freedom of Information Act's personal privacy exemption protects the SMUID numbers. They are likely not protected. Two elements are necessary to exempt information from public disclosure. First, the information must consist of a "personal nature," and second, disclosing such information must constitute a "clearly unwarranted" invasion of privacy. A court may find that the information does not constitute a clearly unwarranted invasion of privacy because the disclosure would shed light on whether SMU is performing its statutory duty by treating students with reasonable accommodations requests fairly.

STATEMENT OF FACTS

The Reasonable Accommodation Advocacy Network is a disability rights watchdog group. It has filed an MFOIA request with Southern Michigan University to determine if the university was withholding information regarding students' requests for reasonable accommodations.

Previously, SMU had announced the creation of the REACT study to audit SMU's resources for students who request reasonable accommodations under the Americans with Disabilities Act. SMU hired Professor Theo Dun to determine how many SMU students had requested reasonable accommodations in the last three years and how many requests had been accepted or denied. Professor Dunn found that SMU approved only approximately 16% of SMU students who requested reasonable accommodations under the ADA in the last three years.

Professor Dunn subsequently distributed a spreadsheet to the SMU administration and the Board that included a list of the students used in the study to explain how he reached his results. The spreadsheet did not list the students' names, information regarding the students' accommodation requests, the medical information submitted with the requests, or whether the accommodation requests were granted or denied. After Professor Dunn presented his results, SMU President Julie Parker sent an email to the SMU administration and the Board instructing them not

Carlos A. Larrauri
Writing Sample #1

to discuss the results and to blame the budget for the delay in reporting them. When asked on air about the results of the REACT study, President Parker said, “The REACT study is currently on hold as we are determining the budget for next year. I can’t give any more information about it at this time.”

Shortly after, RAAN received an anonymous tip that SMU’s REACT study results were being kept from the public because the results were not favorable for SMU. At this point, RAAN filed its MFOIA request asking for SMU to disclose Professor Dunn’s findings, including the spreadsheet he presented to the administration and the Board. Southern Michigan University promptly responded to RAAN’s MFOIA request. It declined to disclose the spreadsheet to RAAN, asserting that disclosing Professor Dunn’s materials would reveal personal information about SMU students because there were various ways for tracing back SMUID numbers to the students’ identities. For example, the student information can be traced back to students’ names and email addresses through the SMU online directory. The SMU online directory is accessible to the public through the SMU library portal.

Instead, SMU proposed disclosing the spreadsheet to RAAN with all the SMUID numbers redacted; however, RAAN refused, explaining that some professors had committed recent fraud on similar studies. Further, RAAN explained to SMU that they required the SMUID numbers list to verify that each student used in the study was a real student who attended SMU. They explained that it did not intend to link the SMUID numbers with student identities, but instead, it would be analyzing the SMUID numbers themselves to check for numerical consistency and statistical regularity. Southern Michigan University again refused to disclose the unredacted spreadsheet, citing the personal privacy exemption of MFOIA, and stated that it was its final determination to deny the MFOIA request.

Carlos A. Larrauri
Writing Sample #1

DISCUSSION

The issue is whether SMU can withhold the requested SMUID numbers under the privacy exemption of the MFOIA. According to the Michigan statute:

It is the public policy of this state that all persons . . . are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

Mich. Comp. Laws § 15.231 (2018). The MFOIA is a pro-disclosure statute that a public body should interpret broadly to allow public access. *Id.* A public body may be exempt from disclosure of a public record, but it should interpret MFOIA exemptions narrowly to prevent undermining its disclosure provision. *Booth Newspapers, Inc. v. Univ. of Mich. Bd. of Regents*, 507 N.W.2d 422, 431 (1993). Furthermore, the burden of proving the need for the exemption applies to the public body. *Id.*

A public body may exempt from disclosure “[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.” Mich. Comp. Laws § 15.243. A plain meaning analysis establishes that two elements are necessary to exempt information from public disclosure. *Booth*, 507 N.W.2d at 431. First, the information must consist of a “personal nature,” and second, disclosing such information must constitute a “clearly unwarranted” invasion of privacy. *Id.*

This memo will analyze the privacy exemption’s applicability. It will not scrutinize whether the student information constitutes a public record or if SMU constitutes a “public body.” Additionally, it will not examine any other exemption that SMU may invoke to withhold the student information. Southern Michigan University may be unable to protect the information from RAAN. The student information consists of a personal nature because it can be linked to individuals and associated with their request for reasonable accommodations. However, disclosing it does not constitute a clearly unwarranted invasion of privacy because it would provide the public insight into SMU’s performance of its statutory duty to treat students with accommodations requests fairly.

Carlos A. Larrauri
Writing Sample #1

I. Personal Nature.

The SMUID numbers consists of a personal nature because RAAN can connect the information to individuals. When determining whether the information is of a personal nature, it is necessary to decide whether it is embarrassing, intimate, private, or confidential. *Mich. Fed'n of Tchr. & Sch. Related Pers. v. Univ. of Mich.*, 753 N.W.2d 28, 40 (2008). Furthermore, in determining whether the information is embarrassing, intimate, private, or confidential, it is necessary to consider the community's customs, mores, and ordinary views. *Booth*, 507 N.W.2d at 432. Lastly, the information must be associated with an individual to be embarrassing, intimate, private, or confidential. *Id.*

For example, in *Larry S. Baker*, the court found that the addresses of injured persons, or persons who had been potentially injured or killed in automobile accidents, were of a personal nature because the law firm seeking the records could identify the victims from the addresses. *Larry S. Baker, P.C. v. City of Westland*, 627 N.W.2d 27, 30 (2001). A law firm sued a city after it denied a Freedom of Information Act request for addresses of injured persons and persons potentially injured or killed in automobile accidents. *Id.* at 28. The firm then revised its request, asking for only the addresses of persons and arguing that since the city would redact the names, there would be insufficient identifying characteristics. *Id.* at 30. The court did not find this argument compelling. It reasoned that having been involved in an automobile accident is an embarrassing fact and that an address is a sufficiently identifying characteristic associated with an individual. *Id.*

Second, in addition to being connected to an individual, the information would be embarrassing, intimate, private, or confidential if the information is the kind that someone would choose not to disclose. *ESPN, Inc. v. Mich. State Univ.*, 876 N.W.2d 593, 597 (2015).

For example, in *Mager*, the court focused on whether associating the names with gun ownership is potentially embarrassing, intimate, private, or confidential if disclosed. *Mager v. Dep't of State Police*, 595 N.W.2d 142, 147 (1999). An advocate requested the university police provide him

Carlos A. Larrauri
Writing Sample #1

with a list of names and addresses of persons who owned registered handguns. *Id.* at 143. However, the court held that those names were associated with gun ownership, an intimate and potentially embarrassing detail of one's life. *Id.* at 144. As such, the list constituted information of a personal nature since a citizen's decision to purchase and maintain firearms is a personal choice, and disclosing is typically a private decision. *Id.* at 143.

In our case, student information consists of a personal nature because it can be coupled with individuals and reveal potentially embarrassing, intimate, private, or confidential information that someone would typically choose to disclose. Here, the SMUID numbers can be associated with specific individuals through their names and email addresses. As such, the facts in our case are similar to *Larry S. Baker*, where the court determined an address was sufficient information for associating with a particular person. The student information can be easily traced back to students' names and email addresses through the public SMU online directory, and thus, it can be readily associated with individuals.

Furthermore, RAAN can use the individuals' names and email addresses to identify which individuals have requested reasonable accommodations from SMU. Accordingly, RAAN's case is akin to *Mager*, where the individuals' names could be easily associated with potentially embarrassing, intimate, private, or confidential information, such as gun ownership. Here, the student information can be linked to students who have requested accommodations under the ADA within the past three years. Although the request would not contain any information about the basis of the request or the type of accommodation requested, a general inquiry into a history of seeking accommodations can still be considered information potentially embarrassing, intimate, private, or confidential. Further, disclosing accommodations requests is often a private decision, and as such, the student information consists of a personal nature.

Carlos A. Larrauri
Writing Sample #1

Furthermore, the counter-argument that disclosing the student information to the university constitutes a public disclosure on behalf of the students is unlikely to persuade the court. Even if the information has been disclosed or is otherwise public, it does not mean the students consent to its disclosure in the context of RAAN's request. *Mich. Fed'n of Tchrs.*, 753 N.W.2d 28, 40 (“[D]isclosure of information of a personal nature into the public sphere in certain instances does not automatically remove the protection of the privacy exemption and subject the information to disclosure in every other circumstance.”).

In sum, the student information consists of a personal nature because it can be connected to individuals and associated with potentially embarrassing, intimate, private, or confidential information that someone would typically decide whether to disclose.

II. Clearly Unwarranted.

Nevertheless, disclosing such information does not constitute a clearly unwarranted invasion of privacy because the disclosure would provide the public insight into whether SMU treats students with reasonable accommodations requests fairly. When determining whether disclosure of information constitutes a clearly unwarranted invasion of privacy, courts need to balance the public interest in disclosure against personal privacy protection. *Mager*, 595 N.W.2d at 146. The public interest in disclosure is satisfied when the disclosure would serve FOIA's core purpose — contributing significantly to an understanding of the government's operations or activities. *Id.* In all but a limited number of circumstances, public interest in government accountability must prevail over individuals' or groups' privacy expectations. *Prac. Pol. Consulting v. Sec'y of State*, 789 N.W.2d 178, 193 (2010). Thus, if the information provides the public insight into the agency's statutory duty, it will constitute a warranted invasion of privacy, even if it is personal information. *Id.*

For example, in *ESPN*, the court determined that disclosing the records of incident reports involving student-athletes did not constitute a clearly unwarranted invasion of privacy because the

Carlos A. Larrauri
Writing Sample #1

report served the public understanding of the university's police department's operations. *Id.* at 597.

A sports television network sought the information to learn whether the policing standards were consistent and uniform at the university. *Id.* Disclosure of the students' names was necessary to determine whether student-athletes were treated differently from the general population because they participated in a particular sport or their renown. *Id.* Thus, the disclosure of names was necessary to shed light on the agency's statutory duty, even if the suspects' names in the reports amounted to information of a personal nature. *Id.*

In RAAN's case, disclosing such information does not constitute a clearly unwarranted invasion of privacy because it would further the public's understanding of SMU's treatment of students requesting reasonable accommodations. Correspondingly, RAAN's case is like *ESPN*, where disclosing student-athlete names helped the public understand if the students received differential treatment from the university's police department. Here, shedding light on how SMU operates would outweigh the students' privacy interests because it would provide the public insight into SMU's statutory duty to treat students fairly. Disclosing the student information associated with the SMUIDs would shed light on SMU's treatment of students seeking reasonable accommodations and whether SMU is approving their accommodations at a reasonable rate. Southern Michigan University approved only 16% of SMU students who requested reasonable accommodations under the ADA in the last three years. Furthermore, against the backdrop of universities' previous fraudulent activities with similar studies and lack of transparency, RAAN's request could conceivably lead to an informative inquiry and greater public accountability concerning how SMU treats students with reasonable accommodations requests.

In sum, the disclosure of student names does not constitute a clearly unwarranted invasion of privacy because the disclosure would provide the public insight into SMU's performance of its statutory duty regarding its treatment of students with reasonable accommodations requests.

Carlos A. Larrauri
Writing Sample #1

CONCLUSION

It is unlikely that Southern Michigan University can withhold the information from RAAN. Although the information constitutes information of a personal nature, the disclosure of the information does not constitute a clearly unwarranted invasion of privacy.

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

Writing Sample #2

I wrote this “mini-note” for the *Michigan Law Review* write-on competition. The MLR members asked students to answer whether the Supreme Court should extend the constitutional right to appointed counsel to the civil context. Further, they asked us to explore the legal and practical arguments for and against extending this right, including an analysis of the implications of our view and responses to counterarguments. This note is my work product and has not been edited by other persons.

Carlos A. Larrauri
Writing Sample #2

WITH LIBERTY AND JUSTICE FOR ALL?
EXPLORING THE CIVIL RIGHT TO COUNSEL

INTRODUCTION

The term “Civil *Gideon*” represents the proposed constitutional guarantee of counsel in civil cases that implicate fundamental rights.¹ Proponents of “Civil *Gideon*” argue that indigent litigants need legal protection beyond the current limitation to criminal cases involving incarceration.² They call for expanding the right to counsel in civil cases when basic human needs such as shelter, sustenance, safety, health, or child custody are at stake.³ Utilitarian arguments in favor of “Civil *Gideon*” assert that expanding the right to counsel would improve the equity of judicial outcomes, increase the efficiency of courts, save federal and state government funds, and increase the public’s faith and investment in the judicial process.⁴

To detractors of the “Civil *Gideon*” movement, the concept is considered conservative and backward-looking.⁵ They disagree that appointing free counsel is the solution to the hurdles indigent litigants face in court; rather, they argue for procedural changes.⁶ Critics argue there is no constitutional basis for the right to civil counsel.⁷ They further contend that the costs and administrative challenges would prove counterproductive and fail to make the legal system more

¹ *Touzeau v. Deffinbaugh*, 907 A.2d 807, 827 (Md. 2006).

² *See id.*

³ *See, e.g.,* Benjamin H. Barton, *Against Civil Gideon (and for Pro Se Court Reform)*, 62 FL. L. REV. 1227, 1229 (2010) (referencing the 2006 ABA House of Delegates report calling for a national civil *Gideon*); *see also* Nik DeCosta-Klipa, *Joe Kennedy on the Need For a ‘Civil Gideon’ and the ‘Disappointing’ Response He Received on Twitter*, BOSTON.COM (May 15, 2020), <https://www.boston.com/news/politics/2020/05/15/joe-kennedy-civil-gideon>. (referring to Kennedy’s resolution calling for expanding the right to counsel in civil cases involving basic human needs).

⁴ *See* Tonya L. Brito et al., *What We Know and Need to Know About Civil Gideon*, 67 S.C. L. REV. 223, 225 (2016).

⁵ Barton, *supra* note 3, at 1272.

⁶ *See Id.*

⁷ TED FRANK, AM. ENTER. INST., *THE TROUBLE WITH THE CIVIL GIDEON MOVEMENT* 1 (2008).

Carlos A. Larrauri
Writing Sample #2

accessible or help low-income Americans.⁸ Instead, some advocate that pro se court reform is the preferred means for improving low-income litigants' access to justice.⁹

This Note contends that courts should extend the constitutional right to appointed counsel to indigent individuals in civil cases that implicate basic human needs. Part I tracks the evolution of the right to counsel and explains the current consequences of limiting the right to criminal cases. Part II argues that courts can incorporate the civil right to counsel as either an established right via old English law or a novel interpretation of due process or equal protection concepts. Part III addresses policy concerns, such as costs and administration, and contends that the benefits of extending the right outweigh the costs.

I. UNDERSTANDING THE HISTORY AND NECESSITY OF THE CIVIL RIGHT TO COUNSEL

In *Gideon v. Wainwright*, the Supreme Court found that the Fourteenth Amendment's Due Process Clause required that states provide counsel to indigent defendants in all felony cases.¹⁰ However, the Supreme Court has not found a commensurate right to counsel in civil matters implicating basic human needs.¹¹ Marking the high point in Supreme Court jurisprudence on this issue, in *In re Gault*, the Court found that juveniles in delinquency proceedings have a constitutional right to civil counsel under the Due Process Clause.¹² The Court recognized that the liberty interest at stake was "comparable in seriousness to felony prosecution."¹³ Since *In re Gault*, however, the Supreme Court has taken up few cases involving claims for the civil right to counsel.¹⁴

⁸ *Id.*

⁹ See Barton, *supra* note 3, at 1228.

¹⁰ See Brito et al., *supra* note 4, at 225.

¹¹ See *id.* at 226.

¹² *Id.*

¹³ *In re Gault*, 87 S. Ct. 1428, 1448 (1967).

¹⁴ Brito et al., *supra* note 4, at 226.

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Moreover, in *Lassiter v. Department of Social Services* and *Turner v. Rogers*, the Supreme Court declined to find a categorical due process right to civil counsel.¹⁵ The Court held in *Lassiter* that there was no absolute right to counsel in termination of parental rights cases.¹⁶ Instead, the Court applied the balancing test from *Mathews v. Eldridge* to suggest that courts determine due process right to counsel on a case-by-case basis.¹⁷ The Court also established the presumption that “an indigent litigant has a right to appointed counsel only when, if he loses, he may be deprived of physical liberty.”¹⁸

Additionally, in *Turner*, the Court found that counsel is not categorically required even when a physical liberty interest is at stake.¹⁹ The Court examined whether the Due Process Clause required states to provide legal counsel to an indigent, noncustodial parent at a child support contempt hearing that could lead to civil incarceration.²⁰ The Court held that rather than appointing counsel, at minimum, states must provide unrepresented litigants with “substitute procedural safeguards” to ensure meaningful access to the courts.²¹ These safeguards include pro se court forms or the assistance of a “neutral social worker” to promote fundamental fairness for unrepresented litigants.²²

Consequently, Supreme Court jurisprudence on this issue has left low-income litigants without access to publicly appointed counsel in civil matters. Studies confirm that the vast majority

¹⁵ *Id.* at 227.

¹⁶ *Lassiter v. Dep’t of Soc. Servs.*, 101 S.Ct. 2153, 2162 (1981).

¹⁷ *Brito et al.*, *supra* note 4, at 227. *See also* *Mathews v. Eldridge*, 96 S. Ct. 893, 903 (1976) (“[P]rior decisions dictate that identification of the specific dictates of our due process generally requires three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burden that the additional or substitute procedural requirement would entail.”).

¹⁸ *Lassiter* 101 S.Ct. at 2159.

¹⁹ *Turner v. Rogers*, 131 S. Ct. 2507, 2520 (2011).

²⁰ *Brito et al.*, *supra* note 4, at 227.

²¹ *Id.* at 228.

²² Ingrid V. Eagly, *Gideon’s Migration*, 122 YALE L.J. 2282, 2313 (2013).

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of low-income litigants go unrepresented in civil cases.²³ In a 2017 study, Legal Services Corporation found that 86% of the civil legal problems reported by low-income Americans received inadequate or no legal help over the year.²⁴ That same year, low-income Americans approached LSC-funded legal aid organizations for support with an estimated 1.7 million civil legal issues, yet received only limited or no legal help in more than half of these matters.²⁵ The most common civil legal problems that low-income Americans sought help for were connected to family, housing, or income maintenance.²⁶

Legal Services Corporation describes this deficiency in access to civil counsel for low-income Americans as the “justice gap.”²⁷ This gap has grown even more pressing in recent years.²⁸ Moreover, the “justice gap” affects a significant portion of the U.S. population and impacts vulnerable people. More than 60 million Americans have incomes at or below 125% of the federal poverty level.²⁹ This group includes 6.4 million seniors, over 11.1 million persons with disabilities, more than 1.7 million veterans, and about 10 million rural residents.³⁰

II. INCORPORATING THE CIVIL RIGHT TO COUNSEL AS AN ESTABLISHED OR NOVEL RIGHT

Critics of “Civil *Gideon*” distinguish from *Gideon* by noting that the Supreme Court limited the right to counsel in criminal proceedings on a plainly expressed right in the Sixth Amendment.³¹ Nevertheless, this Note argues that courts can incorporate the civil right to counsel

²³ Brito et al., *supra* note 4, at 223.

²⁴ LEGAL SERVS. CORP., THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS 6 (2017).

²⁵ *Id.*

²⁶ *Id.* at 8.

²⁷ *See id.*

²⁸ Brito et al., *supra* note 4, at 223.

²⁹ LEGAL SERVS. CORP., *supra* note 24.

³⁰ *Id.*

³¹ *See* FRANK, *supra* note 7.

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as either an established right via an interpretation of old English law or a novel right based on due process or equal protection concepts.

A. The Civil Right to Counsel Exist as a Historically Based Right via Common Law

Although American courts have rejected a civil right to counsel, the right “arguably already exists” in some American states as a matter of common law derived from old English common and statutory law.³² This argument may appeal to judges who are more willing to revive a historically-based right rather than establish a new right derived from interpretations of due process or equal protection concepts.³³ Furthermore, such an argument relies not on intangible principles of justice or fairness, but on a developed body of law from England.³⁴

The right to civil counsel has a long history in England, and several American states have recognized aspects of the right.³⁵ English courts developed the right to civil counsel through common and statutory law.³⁶ By the 18th century, England had an established right to civil counsel commensurate with the Sixth Amendment right to criminal counsel found in America today.³⁷ Moreover, several states continue to recognize facets of the right with express reference to old English law.³⁸ For example, The Washington Supreme Court cited old English law to support the notion that courts have the inherent power to waive court fees; Likewise, California courts continue to acknowledge old English law as the source of *in forma pauperis* rights.³⁹

³² Scott F. Llewellyn & Brian Hawkins, *Taking the English Right to Counsel Seriously in American “Civil Gideon” Litigation*, 45 U. MICH. J.L. REFORM 635, 635 (2012).

³³ *Id.*

³⁴ *Id.* at 638.

³⁵ See *id.* at 659.

³⁶ See *id.* at 641.

³⁷ *Id.*

³⁸ See *id.* at 649.

³⁹ *Id.* at 650.

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The policy rationale for the English civil right to counsel remains applicable to current conditions in the American states.⁴⁰ The provision of the right to civil counsel is consistent with the move toward greater legal protections for low-income litigants.⁴¹ Many American states have already incorporated old English common law into their domestic laws by constitution or statute and recognize it as a source of binding authority.⁴² As such, applicable states could recognize the civil right to counsel via common law derived from old English law.

B. *The Supreme Court Should Establish a Novel Right to Civil Counsel*

Gideon and its progeny were at the forefront of the “living constitution” cases that transformed due process.⁴³ *Gideon*’s interpretation of due process may not have been consistent with the original understanding of the Constitution.⁴⁴ However, *Gideon* “struck a chord”⁴⁵ when it held that “reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.”⁴⁶

Although the *Gideon* opinion did not mention social justice,⁴⁷ promoting equality is essential to the right to counsel.⁴⁸ As such, the Supreme Court should extend a novel right to civil counsel based on fundamental fairness required by the Due Process and Equal Protection Clause of the Fourteenth Amendment. Moreover, the Court need not overturn *Lassiter* nor extend the right to

⁴⁰ See *id.* at 654.

⁴¹ *Id.*

⁴² *Id.* at 638.

⁴³ Barton, *supra* note 3, at 1232.

⁴⁴ *Id.* at 1272.

⁴⁵ *Id.* at 1232.

⁴⁶ *Gideon v. Wainwright*, 83 S. Ct. 792, 796 (1963).

⁴⁷ Kathryn A. Sabbeth, *Housing Defense as the New Gideon*, 73 HARV. J.L. & GENDER, 865, 873 (2018).

⁴⁸ *Id.* at 96.

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counsel to every civil case.⁴⁹ Even a narrow holding would open the door to developing rights in other civil matters,⁵⁰ speeding up years of state-by-state legislative reform and ensuring that every state provides a right to counsel in civil cases.⁵¹

Additionally, the Court should look to international and foreign contemporaries as models for extending a civil right to counsel under due process or equal protection concepts. Common law countries worldwide have accepted the civil right to counsel more broadly.⁵² Some European legal systems have incorporated a civil right to counsel via due process and equal protection analyses.⁵³ For example, in 1937, Switzerland's Supreme Court grounded the civil right to counsel in an equal protection analysis.⁵⁴ It stated, "[a]ll citizens whether poor or rich should have access to the court."⁵⁵ In 1973, the German Constitutional Court based the right on due process analysis, likewise stressing the need for the indigent to have access to the courts.⁵⁶

III. ADMINISTERING THE CIVIL RIGHT TO COUNSEL AND COST CONCERNS

Opponents of "Civil *Gideon*" claim that appointed civil counsel would be counterproductive and fail to increase access to the courts for low-income litigants.⁵⁷ They stress concerns regarding the prohibitive cost and administration of the right.⁵⁸ Critics foresee unanticipated externalities and a flood of meritless cases if legal access becomes costless in the civil context.⁵⁹ This Note asserts that

⁴⁹ Sarah Dina Moore Alba, *Comment, Searching for the "Civil Gideon": Procedural Due Process and the Juvenile Right to Counsel in Termination Proceedings*, 13 U. PA. J. CONST. L. 1079, 1080 (2011).

⁵⁰ *Id.*

⁵¹ *Id.* at 1098.

⁵² See Raven Lidman, *Civil Gideon: A Human Right Elsewhere in the World*, 40 CLEARINGHOUSE REV. 288, 288 (2006).

⁵³ See *id.* at 290.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ See FRANK, *supra* note 7.

⁵⁸ *Id.*

⁵⁹ See *id.* at 2-3.

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courts can use a means and merit test to appoint civil counsel judiciously. Furthermore, the funds spent on the civil right to counsel are investments in communities that improve outcomes and outweigh associated costs.

A. Courts Should Use a Means Test and a Merits Test to Determine Eligibility

In the international context, the civil right to counsel is not without limits.⁶⁰ The standards of eligibility and the scope of services differ from country to country; however, specific patterns are apparent.⁶¹ For example, most countries use a sliding scale based on income and provide the services for free if the litigant has modest income and resources.⁶² If their income exceeds the limit for a gratuitous lawyer, the litigants must contribute a portion of the case costs.⁶³ Certain groups, such as the aged, disabled, veterans, and people on social security, are automatically eligible in some countries.⁶⁴

Moreover, many countries apply a merit test before granting access to publicly funded counsel.⁶⁵ This test does not involve a “minihearing” on the merits; instead, the body appointing free counsel typically makes the determination.⁶⁶ A common standard is similar to a *prima facie* showing; however, some countries require litigants to demonstrate that they are likely to succeed.⁶⁷ As such, American courts can look to European countries that have established the right and have developed criteria for determining income and merit eligibility.⁶⁸

⁶⁰ Lidman, *supra* note 52, at 291.

⁶¹ *Id.*

⁶² *See id.* at 292.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *See id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at 292-93.

⁶⁸ *See id.* at 293.

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B. Funds Spent on The Civil Right to Counsel are an Investment

Existing studies suggest that representation in civil cases provides both direct and indirect benefits that offset the direct cost of appointing counsel.⁶⁹ For example, studies indicate that inadequate legal representation leads to children unnecessarily spending time in foster care in child welfare cases.⁷⁰ When litigants in New York City received “effective parent representation,” their children’s stay in foster care was roughly five months compared to a citywide average of almost a year.⁷¹ Similar findings in Oregon, California, and Washington suggest that representation is associated with increased unification, guardianship, and adoption.⁷² Thus, an investment in legal representation promotes positive outcomes for children and avoids the waste of scarce public resources.⁷³

Furthermore, governments can lower downstream costs by spending funds on legal services.⁷⁴ For example, the societal costs of homelessness far exceed those of public counsel in eviction court.⁷⁵ A 2016 cost-benefit analysis of a civil right to counsel in eviction cases for low-income renters in New York City found that the net cost savings for the city would be \$320 million per year.⁷⁶ The city would save funding by preventing families from entering shelters, avoiding homelessness, and preserving affordable rental homes.⁷⁷

⁶⁹ *Id.*

⁷⁰ See Vivek S. Sankaran, *Moving Beyond Lassiter: The Need for a Federal Statutory Right to Counsel for Parents in Child Welfare Cases*, 44 J. LEGIS. 1, 13 (2017).

⁷¹ *Id.* at 14.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ See Matthew Desmond, *Tipping the Scales in Housing Court*, N.Y. TIMES (Nov. 29, 2012), <https://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html>.

⁷⁵ Ericka Petersen, *Building a House for Gideon: The Right to Counsel in Evictions*, 16 STAN. J. C.R. & C.L. 63, 88 (2020).

⁷⁶ HEIDE SCHULTHEIS & CATLIN ROONEY, CTR. FOR AM. PROGRESS, A RIGHT TO COUNSEL IS A RIGHT TO A FIGHTING CHANCE 7 (2019).

⁷⁷ See *id.*

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Writing Sample #2

CONCLUSION

The lack of a civil right to counsel in situations where basic human needs are at stake undermines our legal system.⁷⁸ Although detractors of “*Civil Gideon*” raise valid constitutional, logistical, and financial concerns, these concerns do not overcome the compelling need for civil counsel.⁷⁹ By extending the civil right to counsel, a person’s ability to protect and defend basic human needs, such as shelter, sustenance, safety, health, and child custody, will no longer depend on their wealth.

⁷⁸ Alba, *supra* note 49, at 1102.

⁷⁹ *Id.* at 1101.

Applicant Details

First Name	Angela		
Last Name	Medcalf		
Citizenship Status	U. S. Citizen		
Email Address	angela.medcalf@marquette.edu		
Address	<table> <tr> <th>Address</th> </tr> <tr> <td> Street 1125 N 9th Street City Milwaukee State/Territory Wisconsin Zip 53233 Country United States </td> </tr> </table>	Address	Street 1125 N 9th Street City Milwaukee State/Territory Wisconsin Zip 53233 Country United States
Address			
Street 1125 N 9th Street City Milwaukee State/Territory Wisconsin Zip 53233 Country United States			
Contact Phone Number	7047737543		

Applicant Education

BA/BS From	North Carolina A&T State University
Date of BA/BS	May 2021
JD/LLB From	Marquette University Law School http://law.marquette.edu
Date of JD/LLB	May 15, 2024
Class Rank	Below 50%
Law Review/Journal	Yes
Journal(s)	Marquette Benefits and Social Welfare
Moot Court Experience	Yes
Moot Court Name(s)	Marquette University Law School Jenkins Honors Moot Court

Bar Admission**Prior Judicial Experience**

Judicial Internships/ Externships	Yes
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Post-graduate Judicial
Law Clerk **No**

Specialized Work Experience

Professional Organization

Organizations **Just the Beginning**

Recommenders

Dahmer, Alexis
alexis.dahmer@jci.com

Olson, Elana
elana.olson@marquette.edu
414-288-1696

O'Connor, Erin
erin.e.oconnor@marquette.edu

**This applicant has certified that all data entered in this profile and
any application documents are true and correct.**

Angela G. Medcalf

angela.medcalf@marquette.edu | (704) 773-7543

July 28, 2023

The Honorable Judge James O. Browning
United States District Court
Pete V. Domenici United States Courthouse
333 Lomas Blvd NW, Suite 660
Albuquerque, New Mexico 87102

Dear Judge Browning:

I am a third-year Marquette University Law School student and Associate Editor of the Marquette Benefits and Social Welfare Law Review. I am writing to apply for the 2025-2026 clerkship. I am confident that, if given the opportunity, I would contribute meaningfully while assisting you in chambers.

During my second year of law school, I undertook and completed Marquette's Appellate Writing and Advocacy workshop which, along with my journal editing duties, gave me the opportunity to strengthen my legal analysis, research, and writing skills. As a direct result of my top-of-class performance, I was invited to compete in the Jenkins Honors Moot Court Competition. This summer, I will be interning at the United States District Court for the Eastern District of Wisconsin in the chambers of the Honorable Nancy Joseph where I will observe criminal and civil pre-trial hearings and draft bench memos and opinions for various cases. Additionally, this upcoming school year, I will have another opportunity to bolster my legal analysis and writing by drafting an appellate brief and competing at the Thurgood Marshall Memorial Moot Court Competition in Washington, D.C. These experiences have and will contribute to my insightful attention to detail and overall development as a thorough and concise legal writer.

I have a strong interest in commercial litigation and my ultimate goal is to become an appellate attorney. I would be grateful for the opportunity to clerk in your chambers, as I understand the tremendous benefits that come with this experience. After completing my studies, I am excited to engage in a dynamic and demanding environment that will help me refine my research and writing skills. I have great admiration for your many accomplishments, and I am certain that I can gain valuable insights from you.

Thank you for considering my application. Enclosed please find my resume, writing sample(s), and law school transcript(s). Please feel free to contact me if I can provide any additional information.

Respectfully,

/s/ Angela Medcalf

Angela Medcalf

Angela G. Medcalf

angela.medcalf@marquette.edu | (704) 773-7543

EDUCATION

Marquette University Law School, Milwaukee, WI

Juris Doctor, Anticipated graduation | May 2024

- Honors: Leadership Council on Legal Diversity 1L Scholar, 2022
Marquette Pro Bono Honor Society Inductee, 2022
Jenkins Honors Moot Court Competitor, 2023
- Journal: Marquette Benefits and Social Welfare Law Review, Associate Editor
- Leadership: Student Bar Association, Vice President
Moot Court Association, Associate Justice of Interscholastic Competitions
National Black Law Student Association, President
State Bar of Wisconsin, Student Liaison

North Carolina Agricultural and Technical State University, Greensboro, NC

Bachelor of Arts in Political Science, magna cum laude | May 2021

- Honors: Chancellor's List, 3 semesters; Dean's List, 3 semesters
Goldman Sachs HBCU Scholar, 2019-2020
- Leadership: Phi Alpha Delta Law Fraternity, Vice President
National Association for the Advancement of Colored People, President
Student Government Association, Executive Treasurer
- Member: Alpha Lambda Delta Honors Society, Member

LEGAL EXPERIENCE

United States District Court- Eastern District of Wisconsin, Milwaukee, WI

Judicial Intern | June 2023 – August 2023

- Observe various pre-trial hearings in both civil and criminal matters
- Conduct research and draft bench memoranda and opinions
- Review administrative law decisions that are currently on appeal

Michael Best & Friedrich LLP, Milwaukee, WI

Summer Associate | May 2023 – June 2023

- Researched the Learned Intermediary Doctrine and drafted articles evaluating its effect on Products Liability litigation in Wisconsin
- Analyzed novel labor and employment statutes and case law and drafted legal memoranda addressing litigation risks to employers who fail to perform background checks
- Researched Canadian supplemental judgment-debtor examinations and drafted legal memoranda providing guidance on the controlling law for domesticated foreign judgments
- Researched and drafted client alerts detailing recent DHS Form I-9 re-verification requirements

Milwaukee County Corporation Counsel, Milwaukee, WI

Legal Intern | January 2023 – April 2023

- Drafted legal memos on the history of 14th Amendment settlements in Milwaukee County
- Reviewed and analyzed Adult Protective Services reports and completed corresponding guardianship and protective placement applications based on those findings

Johnson Controls, Glendale, WI

Legal Intern | May 2022 – Present

- Reviewed and analyzed legal matters for Global Products and Business Solutions with a focus on corporate objectives and compliance
- Researched and applied relevant discrimination law to pending EEOC charges and drafted position statements on behalf of the company
- Assisted Litigation team with reviewing Public-Private Partnership agreements

Milwaukee Justice Center Family Forms Clinic, Milwaukee, WI

Law Student Volunteer | January 2022 – May 2022

- Facilitated client interviews to gather substantive information about their legal issue
- Drafted summaries of client meetings for clinic records
- Assisted clients with completing pre-trial paperwork to initiate proceedings within the court system

Marquette Volunteer Legal Clinic, Milwaukee, WI

Law Student Volunteer | September 2021 – November 2021

- Drafted summaries of attorney-client meetings for use by clients and for clinic records
- Guided clients in completing legal forms to initiate actions related to civil matters

OFFICIAL INTRA-UNIVERSITY LAW SCHOOL RECORD

Name: Angela Medcalf
Student ID: 006232240

Institution Info: Marquette University
Print Date: 05/16/2023

Other Institutions Attended:
North Carolina A & T State Uni

Beginning of Law Record

2021 Fall

Program: Law
Primary Major: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 7002	Contracts	4.000	4.000	B	12.000
LAW 7003	Criminal Law	3.000	3.000	B	9.000
LAW 7004	Lgl Analysis, Writ & Resrch 1	3.000	3.000	B-	8.010
LAW 7007	Torts	4.000	4.000	B-	10.680

Term GPA: 2.835	Term Totals	Attempted 14.000	Earned 14.000	GPA Units 14.000	Points 39.690
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Cum GPA: 2.835	Cum Totals	14.000	14.000	14.000	39.690
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2022 Sprg

Program: Law
Primary Major: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 7000	Civil Procedure	4.000	4.000	B	12.000
LAW 7001	Constitutional Law	4.000	4.000	B	12.000
LAW 7005	Lgl Analysis, Writ & Resrch 2	3.000	3.000	B-	8.010
LAW 7006	Property	4.000	4.000	B-	10.680

Term GPA: 2.846	Term Totals	Attempted 15.000	Earned 15.000	GPA Units 15.000	Points 42.690
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Cum GPA: 2.841	Cum Totals	29.000	29.000	29.000	82.380
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2022 Fall

Program: Law
Primary Major: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 7105	Alternative Dispute Resolution	3.000	3.000	B-	8.010
LAW 7134	Constitutional Criminal Proc	3.000	3.000	B-	8.010
LAW 7191	Evidence	3.000	3.000	B-	8.010
LAW 7205	Fed Income Tax of Individuals	3.000	3.000	B-	8.010
LAW 7705	Wrkshp: Appellate Wrtng & Advc	3.000	3.000	A-	11.010
LAW 7960	Law Journals: Benefits & Social Welfare	1.000	1.000	S	0.000

Term GPA: 2.870	Term Totals	Attempted 16.000	Earned 16.000	GPA Units 15.000	Points 43.050
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Cum GPA: 2.851	Cum Totals	45.000	45.000	44.000	125.430
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OFFICIAL INTRA-UNIVERSITY LAW SCHOOL RECORD

Name: Angela Medcalf
Student ID: 006232240

2023 Sprg

Program:	Law				
Primary Major:	Law				
<u>Course</u>		<u>Description</u>	<u>Attempted</u>	<u>Earned</u>	<u>Grade</u> <u>Points</u>
LAW 7125		Business Associations	3.000	3.000	B 9.000
LAW 7150		Curr Issues Busi/Commer Law: Employee Benefits	2.000	2.000	C+ 4.660
LAW 7266		The Law Governing Lawyers	3.000	3.000	B 9.000
LAW 7332		Trusts And Estates	3.000	3.000	B- 8.010
LAW 7960		Law Journals: Benefits & Soc Wel Law Rev	1.000	1.000	S 0.000
LAW 7987		Supervised Fieldwork: Milw Co Corp Counsel	2.000	2.000	S 0.000
Term GPA: 2.788		Term Totals	14.000	14.000	GPA Units 11.000 Points 30.670
Cum GPA: 2.838		Cum Totals	59.000	59.000	55.000 156.100

2023 Fall

Program:	Law				
Primary Major:	Law				
<u>Course</u>		<u>Description</u>	<u>Attempted</u>	<u>Earned</u>	<u>Grade</u> <u>Points</u>
LAW 7207		Fed Tax Estates/Gifts/Trusts	3.000	0.000	0.000
LAW 7240		Jurisprudence	3.000	0.000	0.000
LAW 7460		Seminar/Selected Topics: Equal Protection is Not Enough	2.000	0.000	0.000
LAW 7800		W: Neg Bus Trans - M & A	3.000	0.000	0.000
LAW 7805		W: Nonprofit Law & Leadership	2.000	0.000	0.000
LAW 7851		Workshop: Trial Advocacy 1	3.000	0.000	0.000
LAW 7960		Law Journals: Benefits & Social Welfare LR	1.000	0.000	0.000
Term GPA: 0.000		Term Totals	17.000	0.000	GPA Units 0.000 Points 0.000
Cum GPA: 2.838		Cum Totals	76.000	59.000	55.000 156.100
Law Career Totals					
Cum GPA: 2.838		Cum Totals	76.000	59.000	55.000 156.100

End of OFFICIAL INTRA-UNIVERSITY LAW SCHOOL RECORD

Display Transcript

950357138 Angela G. Medcalf
Jul 05,2022 02:14 am

This is NOT an official transcript. Courses which are in progress may also be included on this transcript.

[Transfer Credit](#) [Institution Credit](#) [Transcript Totals](#)**Transcript Data****STUDENT INFORMATION****Birth Date:** 15-APR**Student Type:** Continuing**Curriculum Information****Current Program**

Bachelor of Arts

College: Coll of Arts,
Human & Soc
Sci**Major and
Department:** Political
Science, History
and Political
Science

This is NOT an Official Transcript

DEGREE AWARDED**Awarded:** Bachelor of Arts **Degree Date:** May 08,2021**Institutional Honors:** Magna Cum Laude**Curriculum Information****Primary Degree****College:** Coll of Arts, Human & Soc Sci**Major:** Political Science**Minor:** Family Financial Planning**TRANSFER CREDIT ACCEPTED BY INSTITUTION** [-Top-](#)

F16 - S17: Central Piedmont Comm Coll							
Subject	Course	Title	Grade	Credit Hours	Quality Points		R
ART	124	Art Appreciation	TC	3.000	0.00		
HIST	206	Pre-Modern World History	TB	3.000	0.00		
SPCH	251	Public Speaking	TA	3.000	0.00		
		Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Points	GPA
Current Term:		9.000	9.000	9.000	0.000	0.00	0.00

Unofficial Transcript

INSTITUTION CREDIT [-Top-](#)

Term: Fall 2017

Additional Standing: Chancellor's List

Subject	Cours e	Lev el	Title	Grade	Credit Hours	Qualit y Point s	R
ENGL	100	UG	Ideas & Their Expressions I	A	3.000	12.00	
FRST	101	UG	College Success	A	1.000	4.00	
MATH	101	UG	Funda of Algebra and Trig I	A	3.000	12.00	
POLI	100	UG	Intro to Political Science	A	3.000	12.00	
POLI	110	UG	Amer Government & Politics	A	3.000	12.00	

Term Totals (Undergraduate)

	Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Point s	GPA
Current Term:	13.000	13.000	13.000	13.000	52.00	4.00
Cumulative:	13.000	13.000	13.000	13.000	52.00	4.00

Unofficial Transcript

Term: Spring 2018

Subject	Cours e	Lev el	Title	Grade	Credit Hours	Qualit y Point s	R
ENGL	101	UG	Ideas & Their Expressions	A-	3.000	11.10	

HIST	107	UG	African-Amer Hist Since 1877	B	3.000	9.00
HIST	130	UG	The Contemporary Global Experi	B	3.000	9.00
MATH	102	UG	Fund of Alge & Trig II	B+	3.000	9.90
POLI	101	UG	Writing for the Social Science	B-	3.000	8.10
SSFM	226	UG	A Personal Approach to Health	A-	3.000	11.10

Term Totals (Undergraduate)

	Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Point s	GPA
Current Term:	18.000	18.000	18.000	18.000	58.20	3.23
Cumulative:	31.000	31.000	31.000	31.000	110.20	3.55

Unofficial Transcript

Term: Fall 2018

Additional Standing: Dean's List

Subject	Cours e	Lev el	Title	Grade	Credit Hours	Qualit y Point s	R
ENGL	200	UG	Survey of Humanities I	A-	3.000	11.10	
PHYS	101	UG	Introduction to Astronomy	A	3.000	12.00	
POLI	215	UG	State and Local Government	B+	3.000	9.90	
PSYC	101	UG	General Psychology	A-	3.000	11.10	
SPAN	101	UG	Elementary Spanish I	A	3.000	12.00	

Term Totals (Undergraduate)

	Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Point s	GPA
Current Term:	15.000	15.000	15.000	15.000	56.10	3.74
Cumulative:	46.000	46.000	46.000	46.000	166.30	3.61

Unofficial Transcript

Term: Spring 2019

Additional Standing: Dean's List

Subject	Course	Level	Title			Grade	Credit Hours	Quality Points	Rank
ECON	200	UG	Principles of Economics-Micro			B+	3.000	9.90	
ENGL	201	UG	Survey of Humanities II			A-	3.000	11.10	
POLI	240	UG	Public Administration			B+	3.000	9.90	
POLI	251	UG	Intro Sta for Po Sci Crim Jus			A	3.000	12.00	
POLI	252	UG	Intro Sta Po Sci Crim Jus Lab			A	1.000	4.00	
SPAN	102	UG	Elementary Spanish II			A	3.000	12.00	
Term Totals (Undergraduate)									
			Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:			16.000	16.000	16.000	16.000	58.90	3.68	
Cumulative:			62.000	62.000	62.000	62.000	225.20	3.63	
Unofficial Transcript									
Term: Fall 2019									
Additional Standing:			Chancellor's List						
Subject	Course	Level	Title			Grade	Credit Hours	Quality Points	Rank
BIOL	100	UG	Biological Science			A	4.000	16.00	
POLI	233	UG	Political Research Methods I			A-	3.000	11.10	
POLI	311	UG	Blacks Amer Political System			A	3.000	12.00	
POLI	442	UG	American Constitutional Law			A	3.000	12.00	
POLI	444	UG	International Relations			B	3.000	9.00	
Term Totals (Undergraduate)									
			Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA	
Current Term:			16.000	16.000	16.000	16.000	60.10	3.75	
Cumulative:			78.000	78.000	78.000	78.000	285.30	3.65	

Unofficial Transcript

Term: Spring 2020

Term Comments:

The Pass/Fail grading option was offered during the Spring 2020 semester in response to the challenges presented by the coronavirus pandemic. Pass/Fail grades and course withdrawals may be related to course disruptions that occurred during that semester.

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
FCS	406	UG	Retirement Planning for Families	A	3.000	12.00	
FCS	407	UG	Estate Planning for Families	B	3.000	9.00	
POLI	221	UG	Political Theory	A	3.000	12.00	
POLI	234	UG	Political Research Methods II	A	3.000	12.00	
POLI	310	UG	Comparative Politics	A-	3.000	11.10	
POLI	492	UG	Honors Seminar in Poli Sci	A-	3.000	11.10	

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	18.000	18.000	18.000	18.000	67.20	3.73
Cumulative:	96.000	96.000	96.000	96.000	352.50	3.67

Unofficial Transcript

Term: Summer I 2020

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
FCS	317	UG	Insurance Planning for Families	A-	3.000	11.10	
PHIL	267	UG	Phil of Love and Friendship	A-	3.000	11.10	

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
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Current Term:	6.000	6.000	6.000	6.000	22.20	3.70
Cumulative:	102.00	102.00	102.00	102.00	374.7	3.67
	0	0	0	0	0	

Unofficial Transcript

Term: Fall 2020

Additional Standing: Dean's List

Subject	Cours e	Lev el	Title	Grade	Credit Hours	Qualit y Point s	R
FCS	316	UG	Financial Planning for Fami	B-	3.000	8.10	
FCS	318	UG	Income Tax Planning for Fami	P1	3.000	0.00	
POLI	313	UG	Women in Politics	A	3.000	12.00	
SPCH	250	UG	Speech Fundamentals	A	3.000	12.00	

Term Totals (Undergraduate)

	Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Point s	GPA
Current Term:	12.000	12.000	12.000	9.000	32.10	3.56
Cumulative:	114.00	114.00	114.00	111.00	406.8	3.66
	0	0	0	0	0	

Unofficial Transcript

Term: Spring 2021

Additional Standing: Chancellor's List

Subject	Cours e	Lev el	Title	Grade	Credit Hours	Qualit y Point s	R
CRJS	443	UG	Civil Liberties	A	3.000	12.00	
FCS	408	UG	Family Finan Planning Capstone	B+	3.000	9.90	
HIST	103	UG	NC A&T SU:Leg Soc Act	A	3.000	12.00	
MUSI	216	UG	Music Appreciation I	A	3.000	12.00	

Term Totals (Undergraduate)

	Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Point s	GPA
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Current Term:	12.000	12.000	12.000	12.000	45.90	3.82
Cumulative:	126.00	126.00	126.00	123.00	452.7	3.68
	0	0	0	0	0	
Unofficial Transcript						
TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-						
	Attem pt Hours	Passe d Hours	Earne d Hours	GPA Hours	Qualit y Points	GPA
Total Institution:	126.00	126.00	126.00	123.00	452.70	3.68
	0	0	0	0		
Total Transfer:	9.000	9.000	9.000	0.000	0.00	0.00
Overall:	135.00	135.00	135.00	123.00	452.70	3.68
	0	0	0	0		
Unofficial Transcript						

[[Overall Financial Aid Status](#) | [Financial Aid Eligibility Menu](#)]

RELEASE: 8.7.1

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July 3rd, 2023

To Whom It May Concern,

It is my pleasure to recommend Angela Medcalf for the Judicial Clerk position. I supervised Angela last summer when she worked as a legal intern at Johnson Controls in Milwaukee and she left an excellent impression on each and every attorney with whom she worked, myself included. Angela is a natural-born leader whose passion, professionalism, and practical attitude made her an asset to our organization.

Angela took a thoughtful and measured approach to research and analysis, resulting high-quality work product that was succinct, clear, and accurate. Because of her ambitious nature and flexibility, we trusted Angela with projects across multiple in-house legal functions, including work with our litigation, labor and employment, compliance, and contract teams. She actively sought out additional projects and consistently delivered final work product ahead of deadlines.

I strongly and without hesitation recommend Angela. If you have any follow-up questions, please don't hesitate to reach out to me directly.

Sincere regards,
Alexis Dahmer
Sr. Legal Director, Compliance, North America
Johnson Controls
alexis.dahmer@jci.com

Alexis Dahmer - alexis.dahmer@jci.com

July 28, 2023

The Honorable James Browning
Pete V. Domenici United States Courthouse
333 Lomas Boulevard, N.W., Room 660
Albuquerque, NM 87102

Dear Judge Browning:

It is a privilege to write in support of Angela Medcalf's application for the position of Law Clerk in your chambers. In my roles as Director of the Eckstein Law Library and Director of the Labor & Employment Law Program at the Marquette University Law School, it has been my pleasure to get to know Ms. Medcalf in her position of Staff Editor, and soon-to-be Associate Editor, of the journal for which I serve as Faculty Advisor.

Ms. Medcalf is engaged and invested in her communities and in her legal education and career, helping motivate others while at the same time taking advantage of opportunities during law school to advance her knowledge and put skills to practical use. From pro bono service to leadership of organizations to internships in settings giving her a well-rounded understanding of the law and practice settings—including as a Law Clerk in the United States District Court for the Eastern District of Wisconsin in Summer 2023—she demonstrates that leadership, education, and service are more than just accomplishments to add to a resume. I am not alone in recognizing what Ms. Medcalf brings to an organization and the law. For example, her experiences and commitment led to the Wisconsin Association of African-American Lawyers honoring Ms. Medcalf in Fall 2022 with the Honorable Charles N. Clevert, Jr. Scholarship. Similarly, her writing and oral advocacy skills earned her a position in Marquette Law School's Jenkins Honors Moot Court Competition.

My direct work with Ms. Medcalf has primarily been in my role as Faculty Advisor to the *Marquette Benefits & Social Welfare Law Review*. Some students view submission of their comment with relief and, if not immediately extended a publication offer, simply move on. Not Ms. Medcalf. She chose a topic about which she has a true passion, and believes her work can contribute not just to the scholarly literature but also make a difference in the community. Beyond improving her writing, research, analysis, advocacy, editing, and other skills during the process of writing a comment (not to mention her other work for the journal), she is now focused on finding an avenue to share her solution. Her continued service to the journal as a 3L should only further strengthen her research and editing skills, as well as collaboration with colleagues and other value-added skills for a position in your chambers.

I am confident in recommending Ms. Medcalf for this position. Please contact me if I can provide further information.

Sincerely,

Elana H. Olson
Director of the Eckstein Law Library & Director of the Labor & Employment Law Program
Adjunct Professor of Law
Marquette University Law School
(414)288-1696
elana.olson@marquette.edu

Elana Olson - elana.olson@marquette.edu - 414-288-1696



June 30, 2023

To Whom It May Concern,

I gladly write this letter as a reference for Angela Medcalf on her application for employment as a federal law clerk. I am an Adjunct Professor of Law at Marquette University Law School. I had the privilege of teaching Ms. Medcalf in the Fall of 2022 in the course Appellate Writing and Advocacy. I believe she is a terrific candidate to be a federal law clerk.

In Appellate Writing and Advocacy, students are required to examine an appellate record, research appellate issues, prepare a federal appellate brief, and conduct an oral argument in front of various professors. This work is all accomplished in a team setting, as the students pair up at the beginning of the semester. A student must be an accomplished researcher and writer, have poise and confidence under pressure while speaking in front of attorneys, be a team player and have excellent time management and organizational skills in order to succeed in this intense class.

Ms. Medcalf's performance was outstanding in all of these endeavors. She was well organized in her work inside and outside of class and was always timely with all of her work product. She thoroughly researched the issues and developed an in-depth understanding of the case law concerning the issues. I appreciated her probative questions in class that demonstrated her critical thinking skills and her thoughtful approach to the policy positions on both sides of the matter. Her brief was well organized and persuasive. Ms. Medcalf's oral argument showcased her expansive knowledge of the law and policy and she performed well under pressure.

Ms. Medcalf is a smart and hard-working student who has the research and writing skills to be a terrific federal law clerk. In addition, she has a conscientious approach toward her work as well as a pleasant and confident attitude toward her professors and peers. I believe these attributes would translate well into any legal environment.

If you have any further questions, please do not hesitate to get in touch with me at (414) 469-6101 or erin.e.oconnor@marquette.edu.

Regards,

/s/ Erin E. O'Connor
Adjunct Professor of Law

Angela G. Medcalf

angela.medcalf@marquette.edu | (704) 773-7543

The following document is an excerpt of the argument section of an appellate brief drafted throughout the course of my Appellate Writing and Advocacy workshop.

ARGUMENT

I. The objective test proffered in *Kingsley v. Hendrickson* to determine liability for excessive force claims under the Fourteenth Amendment extends to all claims brought by pretrial detainees.

The language of *Kingsley v. Hendrickson*, 576 U.S. 389, 135 S. Ct. 2466, 192 L. Ed. 2d 416 (2015) is not limited to excessive force claims. In *Bell v. Wolfish*, the Court stated that pretrial detainees are protected from acts that “amount to punishment”-- those deemed objectively unreasonable -- and acts intended to punish-- those taken with a specific state of mind. *Kingsley*, 576 U.S. at 397–98. The *Kingsley* court interpreted *Bell*’s rule as providing pretrial detainees an opportunity to succeed in their claims using only objective evidence. *Id.* at 398.

The federal courts have since begun determining whether the ruling in *Kingsley* should be extended to other types of pretrial detainee claims. Following *Kingsley*, several circuits adopted the use of the objective reasonableness standard when addressing Fourteenth Amendment due process claims. See *Castro v. County of Los Angeles*, 833 F.3d 1060, 1070 (9th Cir. 2016); *Darnell v. Piniero*, 849 F.3d 17, 35–36 (2nd Cir. 2017); *Miranda v. Cnty. of Lake*, 900 F.3d 335 (7th Cir. 2018). These specific cases extended the *Kingsley* standard to failure-to-protect claims, conditions of confinement claims, and inadequate medical care claims, respectively.

Alternatively, the remaining circuits have either decided not to extend *Kingsley* or remain undecided as to whether *Kingsley* extends. These circuits continue to apply the subjective deliberate indifference standard proffered in *Farmer v. Brennan*, 511 U.S. 825, 836–37, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994). See *Miranda-Rivera v. Toledo-Davila*, 813 F.3d 64 (1st Cir. 2016); *Alderson v. Concordia Par. Corr. Facility*, 848 F.3d 415 (5th Cir. 2017); *Guy v. Metro. Gov’t of Nashville & Davidson Cnty., Tennessee*, 687 F. App’x 471 (6th Cir. 2017); *Whitney v. City of St. Louis*, 887 F.3d 857, 860 n.4 (8th Cir. 2018); *Johnson v. Bessemer, Alabama, City of*, 741 F. App’x 694 (11th Cir. 2018).

The objective standard should also be adopted in the present case. The Fourteenth Amendment protects pretrial detainees from conditions of confinement amounting to punishment. In the present case, Officer Lew, the warden of Tory Hill Detention Facility, failed to mitigate the risk of COVID-19 exposure by following CDC guidelines. The conditions of confinement put all pretrial detainees at a substantial risk of harm of contracting COVID-19, and he was aware of that risk at the time. Even if he was not aware of the substantial risk of harm associated with his inaction, a reasonable officer in his position would have been on notice of that fact.

A. *Kingsley* should be extended to all claims brought by pretrial detainees because the objective standard provides clarity where there once was confusion and incorporates *Bell*'s holding that protects pretrial detainees from punishment.

Under the Fourteenth Amendment, pretrial detainees are protected from all punishment, not just the cruel and unusual kind. The court in *Kingsley* takes this into account when evaluating the excessive force claim brought before them by a pretrial detainee. While *Kingsley* awaited trial in county jail, he was forcibly removed from his cell by officers after refusing to comply with their orders. *Kingsley*, 576 U.S. at 389. A struggle ensued between the officers and *Kingsley*, and eventually, his head was slammed into a concrete bunk, and he was tased in the back for five seconds. *Id.* at 392. As a result of the harm suffered by *Kingsley*, an excessive force claim was filed against the officers involved. *Id.* at 393.

In evaluating this claim, the court addressed the use of a subjective inquiry into the officer's state of mind in comparison to an objective inquiry based on the reasonableness of his actions. Historically, the Eighth Amendment required a subjective inquiry into the officer's state of mind when evaluating claims brought by convicted persons. The Eighth Amendment protects convicted persons from cruel and unusual punishment. *Wilson v. Seiter*, 501 U.S. 294, 297 (1991). On the other

hand, the Fourteenth Amendment protects pretrial detainees from all acts intended to punish them because pretrial detainees are entitled to the constitutional presumption of innocence. See *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). The *Kingsley* court recognized that claims arising under the Eighth and Fourteenth Amendments were fundamentally different and therefore deserve a distinct analysis from one another. *Kingsley*, 576 U.S. at 400.

According to *Kingsley*, the *Bell* Court defined punishment in two ways. *Kingsley*, 576 U.S. at 398. The Court in *Bell* explained that “punishment” could be evaluated subjectively, considering the officer’s actions taken with an “expressed intent to punish.” *Bell*, 441 U.S. at 538. Alternatively, punishment can also be evaluated objectively. The rationally related test proffered by the *Bell* Court allows a pretrial detainee to prevail on an excessive force claim “by providing only objective evidence that the challenged governmental action is not rationally related to a legitimate governmental objective [...]” *Kingsley*, 576 U.S. at 398.

Under the *Kingsley* analysis following *Bell*, pretrial detainees are protected from acts that are objectively unreasonable *and* acts taken with a specific state of mind. *Kingsley*, 576 U.S. at 398-99. While pretrial detainees are protected from both objectively unreasonable and subjective acts, under *Kingsley* they are not required to prove subjective intent if they have proper evidence showing that the act is objectively unreasonable given the circumstances. To prevail on an objective showing, a pretrial detainee must show an act that amounts to more than mere negligence, but less than deliberate indifference, something akin to reckless disregard. *Castro*, 833 F.3d at 1071.

Currently, the circuit courts are split as to the proper standard for each claim brought by pretrial detainees. The following cases from the Second, Seventh, and Ninth Circuits have found that the *Kingsley* objective standard extends to all other pretrial detainee claims; (1) Conditions of Confinement, (2) Failure-to-Protect, and (3) Inadequate Medical Care claims, respectively.

Prisoners may not be deprived of their basic human needs [...] and they may not be exposed to conditions [of confinement] that pose an unreasonable risk of serious damage to their future health. *Darnell*, 849 F.3d at 30. Furthermore, when unsanitary conditions are coupled with other mutually enforcing conditions, such as a lack of hygienic items, these circumstances can rise to the level of objective deprivation. *Id.* In *Darnell v Pineiro*, twenty state pretrial detainees were subjected to degrading conditions of confinement that amounted to a deprivation of their Fourteenth Amendment rights. The constitutional deprivations claimed by each plaintiff include a lack of toiletries and other hygienic items, among others. *Id.* at 23. In *Darnell*, the plaintiffs were not provided with basic toiletries such as soap and officers generally refused to provide these items, even when they were explicitly requested by the detainees. *Id.* at 25. The officers would even go as far as to retaliate if they were asked about soap too often. *Id.*

The court stated that following the Supreme Court's analysis, "it is plain that punishment has no place in defining the *mens rea* element of a pretrial detainee's claim under the Due Process Clause." *Id.* at 35. It ultimately held that "to establish a claim for deliberate indifference to conditions of confinement under the Due Process Clause of the Fourteenth Amendment, the pretrial detainee must prove that the defendant-official [...] recklessly failed to act with reasonable care to mitigate the risk that the condition posed to the pretrial detainee even though the defendant-official knew, or should have known, that the condition posed an excessive risk to health or safety." *Id.*

[Officials] have a duty to protect pretrial detainees from violence at the hands of other inmates, just as they have a duty to use only appropriate force themselves. *Castro*, 833 F.3d at 1070. In *Castro*, the court analyzed the application of the *Kingsley* standard in assessing a Fourteenth Amendment failure-to-protect claim. Castro was initially observed by officers displaying signs of public drunkenness. *Castro*, 833 F.3d at 1065. Believing that Castro was a potential danger to himself and the public, he was taken into custody by the officers. *Id.* He was placed in a "sobering cell" so that

he would not hurt himself. *Id.* “[...] [T]he building code required maximum visual supervision of all inmates by staff and provided that inmates requiring more than minimum security must be housed in cells with an inmate or sound-activated audio-monitoring system.” *Id.* The sobering cell did not meet any of those requirements, but it was still used periodically. *Id.* The West Hollywood station manual states that non-compliant sobering cells “should *not* be utilized.” *Id.*

Later, Castro was joined by another inmate who was known to be “combative.” *Id.* After repeated attempts to get an officer’s attention by Castro, a volunteer walked by the cell and found the inmate inappropriately touching Castro’s thigh. *Id.* Instead of intervening, he left to get another officer. *Id.* Upon return, they found Castro unresponsive in his cell, lying in a pool of his own blood, while the inmate repeatedly stomped on his head. *Id.* As a result of the brutal attack, Castro suffered from severe memory loss and other cognitive issues. *Id.* Castro later brought a failure-to-protect claim against the officers in charge of the jail.

When evaluating the failure-to-protect claim through the lens of *Kingsley*, the court looked at whether the substantial risk of harm to the plaintiff could have been eliminated through reasonable and available measures. *Id.* at 1070. The court found inevitably found that the officers failed to take reasonable measures to address the risk posed to Castro for the following reasons:

The individual defendants knew that Castro, who had been detained only for a misdemeanor, was too intoxicated to care for himself; they knew that Gonzalez, a felony arrestee, was enraged and combative; they knew or should have known that the jail's policies forbade placing the two together in the same cell in those circumstances; and they knew or should have known that other options for placing them in separate cells existed.

Castro v. Cnty. of Los Angeles, 833 F.3d 1060, 1073 (9th Cir. 2016).

When detainees are under the care of medical experts in a facility, [they are expected to] provide appropriate medical attention. *Miranda*, 900 F.3d at 343. If a delay in medical care causes some degree of harm that diminishes a pretrial detainee's chance of survival, the medical care is inadequate. *Id.* at 347. In *Miranda v. Cnty. of Lake*, Lyvita Gomes failed to show up for jury duty and wound up in county jail. *Id.* at 341. While in jail she refused to eat and drink. *Id.* She became severely dehydrated and suffered from psychosis. *Id.* She was being monitored by Drs. Elazequi and Singh's during her time in county jail, and it was under their care that Gomes's chances of survival diminished. *Id.* at 347. Although she was finally transferred to a hospital by a third person, Dr. Kim, who had just returned from vacation and learned of her mental and physical state, she passed away just five days after arriving at the hospital.

A claim was brought against Drs. Elazequi and Singh for providing failing to provide adequate medical care to Gomes. *Id.* at 342. At trial, [Drs. Elazequi and Singh] concede[ed] [...] that Gomes's medical condition was objectively serious [...]. *Id.* at 347. Expert witnesses testified at trial that the doctors' failure to transfer Gomes to the hospital sooner allowed her deterioration to reach a dangerous point. *Id.* at 347. Expert witnesses also testified that it was impossible not to consider that Gomes was experiencing organ failure given the state her body was in. Dr. Raba said it was "impossible" not to consider that Gomes was starting to show signs of organ failure. *Id.*

The court took the independent expert testimony and the concession on behalf of Drs. Elazequi and Singh, and further concluded that this evidence was enough to support a finding that the delay in transporting Gomes to a hospital lessened her chances of survival. *Id.* at 348. When evaluating the inadequate medical care claim under the Fourteenth Amendment, the court relied on *Bell*'s finding that "a pretrial detainee can nevertheless prevail by showing that the actions are not "rationally related to a legitimate nonpunitive governmental purpose." *Id.* at 351. It further followed the court in *Kingsley* and the two sister circuits who chose to extend the *Kingsley* objective standard to other

pretrial detainee claims. In applying the objective standard, the court found evidence that Drs. Elazegui and Singh deliberately chose a “wait and see” monitoring plan, knowing that Gomes was neither eating nor drinking nor competent to care for herself. *Id.* at 354. The court ruled this inaction on behalf of the doctors to be objectively unreasonable. *Id.* at 349.

The objective test proffered in *Kingsley* should be extended to all claims brought by pretrial detainees under the Fourteenth Amendment Due Process Clause. As mentioned before, the Fourteenth and Eighth Amendments are fundamentally different. The Fourteenth Amendment seeks to protect pretrial detainees from all acts amounting to punishment, while the Eighth Amendment seeks to protect convicted persons from cruel and unusual punishment. Pretrial detainees should not be expected to meet the same subjective standard as convicted persons when bringing a claim. By requiring a pretrial detainee to meet a subjective standard, courts wrongfully narrow the rights provided by the Fourteenth Amendment to be free from all punishment to only protect against cruel and unusual punishment.

The preceding circuit courts chose to extend *Kingsley* further than excessive force claims because the underlying federal right, as well as the nature of the harm suffered, are the same for each type of claim. Circuit courts on the opposite side of the circuit split choose to read *Kingsley*’s ruling narrowly. See *Whitney v. City of St. Louis*, 887 F.3d 857, 860 n.4 (8th Cir. 2018). There is nothing in the language of *Kingsley* that narrows its ruling to only excessive force claims. *Kingsley*’s use of the objective standard clarifies that the objective standard is not equivalent to mere negligence. Inadvertent acts or mere accidents under a negligence standard would open the door to many lawsuits for simple mistakes. Under the objective standard, the action must be objectively unreasonable considering what the official *should have known*, rather than what he *knew*, making it a lower threshold to meet than the subjective standard. But it also requires that an official deliberately, rather than accidentally,

took the physical action that imposed the risk, making the objective standard a higher threshold to meet than mere negligence. *Kingsley*, 576 U.S. at 396-97.

B. Even if the objective standard in *Kingsley* is not extended to the present conditions of confinement claim, Mr. Deshong still prevails under the Eighth Amendment subjective deliberate indifference standard.

If this court were to apply to subjective deliberate indifference standard to the present case, Mr. Deshong would still prevail. [P]rison officials [are not] free to ignore obvious dangers to inmates. *Farmer*, 511 U.S. at 826. Liability can be imposed “if he knows that inmates face a substantial risk of serious harm and disregards that risk by *failing to take reasonable measures* to abate it.” *Stefan v. Olson*, 497 F. App'x 568, 578 (6th Cir. 2012). The court in *Stefan v. Olson* applied the subjective deliberate indifference standard when evaluating whether McCune, the nurse on duty, violated the decedent’s Eighth Amendment rights by “failing to take reasonable measures to abate” the substantial risk to Reid of which she was aware. *Id.* at 579. Reid entered the facility extremely intoxicated with a blood alcohol content over four times the legal limit. *Id.* at 569. Upon arrival, Reid was evaluated by the nurse and despite his request to go to the hospital, because he was under the influence and had high blood pressure, he was kept at the jail and placed under surveillance by McCune. *Id.* at 570. McCune was under the impression that medication would only be given once he developed withdrawal symptoms, but this understanding directly contradicted jail protocol. *Id.* at 571.

The jail also did not have the needed withdrawal medication on hand, so Reid was never given any. *Id.* at 57. McCune gave officers instructions to place Reid in a cell and monitor him in 30-minute increments. *Id.* at 572. Unfortunately, he began to seize and hit his head on the concrete bunk as he fell to the floor. *Id.* at 573. He was later pronounced brain dead after succumbing to those injuries. *Id.* at 574.

When evaluating this claim of inadequate medical care under the subjective deliberate indifference standard, the Court stated that McCune was aware of Reid's intoxicated state and history of seizures. Yet, still allowed him to stay at the jail under the supervision of officers knowing that the appropriate withdrawal medicine was not on the premises. She even suggested that they place him in a cell with concrete bunks. The Court found that through her acts and omissions, she "fail[ed] to take reasonable measures to abate" the substantial risk to Reid of which she was aware. *Id.* at 579.

This case is analogous to the present case in many regards. Officer Lew was on notice that Mr. Deshong was hypertensive and suffered from asthma. Because of his medical vulnerability, he sought release earlier in the year while awaiting trial through a joint temporary restraining order and individual compassionate release. The temporary restraining order was denied because the Tory Hill Detention Facility had just passed a court-ordered inspection. Officer Lew had to have known that COVID-19 posed a substantial risk of harm to the pretrial detainees in his facility. He made sure that his facility was up to par when the court-ordered inspection occurred, but the conditions of the facility began to deteriorate shortly after. The CDC guidelines regarding masks were ignored by the officers and inmates, and they received no repercussions for these violations. Officer Lew himself did not even wear his mask properly.

It would be different if he neglected to wear a mask altogether because then an argument could be made that he did not have masks available, or that he was unaware that wearing masks would help mitigate the risk of contracting COVID-19. That is not the case here. Officer Lew knew the importance of masks and how wearing them properly would help protect the pretrial detainees in his facility, he just chose not to follow the guidelines for whatever reason. Officer Lew was made aware of the lack of soap in the facility by one of his line officers. Soap helps pretrial detainees keep themselves clean and safe from germs. Yet, he acted as if he did not care and stated that the facility

was not “Buckingham Palace.” While it is clear that Tory Hill Detention Facility is not Buckingham Palace, it is also clear that pretrial detainees deserve to be free from conditions of confinement that put them at substantial risk of harm. Officer Lew simply did not care, and his actions showed that. Officer Lew was on notice of the risks of COVID-19, failed to follow the CDC guidelines, and as a result subjected Mr. Deshong to a substantial risk of harm resulting in him contracting COVID-19.

Angela G. Medcalf

angela.medcalf@marquette.edu | (704) 773-7543

The following document is a brief opposing demurrer I drafted in my Legal Analysis Writing and Research course.